

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/21-01/25**

Date: **3 June 2026**

TRIAL CHAMBER III

Before: Judge Joanna Korner, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE

**PUBLIC
With Confidential Annex A**

**Joint Defence and Prosecution Submission on Instructions for the Assessment
of Mr Rodrigo Roa Duterte's Fitness to Stand Trial**

Source: Defence for Mr Rodrigo Roa Duterte

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**

Duterte Defence Team

☒ **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

Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

I. INTRODUCTION

1. During the first status conference on 27 May 2026, the Trial Chamber issued an order directing the Parties to liaise with a view to reaching agreement on the instructions to be provided to the experts for the assessment of Mr Rodrigo Roa Duterte's fitness to stand trial ("Order").¹ The Defence and Prosecution have conferred and reached agreement on the proposed instructions.
2. In accordance with the Chamber's Order, the Parties attach to this filing the joint letter of instruction to the appointed experts ("Letter of Instruction").²

II. SUBMISSIONS

3. On 25 May 2026, in accordance with the Chamber's directions,³ the Defence submitted its request for medical examination of Mr Duterte under Rule 135 of the Rules of Procedure and Evidence⁴ and appended a draft letter of instruction to the experts,⁵ for the Chamber's consideration.
4. During the first status conference, at which the Chamber granted the Defence's motion,⁶ the Prosecution indicated that it did not agree with the draft letter of instruction as proposed, requesting instead that the instructions be issued directly by the Chamber.⁷ The Chamber ordered the Parties to liaise with one another and submit, by 3 June 2026, a joint document following agreement on its contents.⁸
5. On 29 May 2026, the Prosecution shared its proposed draft letter with the Defence.⁹ After a series of exchanges, agreement was reached on 3 June.¹⁰

¹ Transcript of Status Conference, [ICC-01/21-01/25-T-009-CONF-ENG ET](#), 27 May 2026 ("[Transcript of 27 May 2026 Hearing](#)"), p. 46, lines 1-8.

² Letter of Instruction for the Expert Assessment of Mr Rodrigo Roa Duterte's Fitness to Stand Trial, submitted as **Annex A**.

³ Email, Trial Chamber to Defence, "Instruction to the Defence regarding Rule 135 of the Rules of Procedure and Evidence", 19 May 2026, 9:49.

⁴ Public Redacted Version of "Defence's request for medical examination pursuant to Rule 135", [ICC-01/21-01/25-450-Red](#), 25 May 2026.

⁵ Annex to the Defence's request for medical examination pursuant to Rule 135, [ICC-01/21-01/25-450-Conf-Anx](#), 25 May 2026.

⁶ [Transcript of 27 May 2026 Hearing](#), p. 40, lines 1-6.

⁷ [Transcript of 27 May 2026 Hearing](#), p. 41, lines 16-18, 22-25; p. 42, line 1.

⁸ [Transcript of 27 May 2026 Hearing](#), p. 46, lines 1-8.

⁹ Email, Prosecution to Defence, "Draft Letter of Instructions - Rule 135 Panel of Experts", 29 May 2026, 17:38.

¹⁰ See Email, Prosecution to Defence, "Re: Draft Letter of Instructions - Rule 135 Panel of Experts", 3 June 2026, 15:03; Email, Defence to Prosecution, "Re: Draft Letter of Instructions - Rule 135 Panel of Experts", 3 June 2026, 14:07; Email, Defence to Prosecution, "Re: Draft Letter of Instructions - Rule 135 Panel of Experts", 3 June 2026,

III. CONCLUSION

6. The Parties respectfully request that the Trial Chamber consider the proposed Letter of Instruction for the assessment of Mr Duterte's fitness to stand trial and, accordingly, order the appointed experts to fulfil their mandate in accordance with the terms set out therein.



Mr Mame Mandiaye Niang
Deputy Prosecutor



Mr Peter Haynes, KC
Counsel for Mr Rodrigo Roa Duterte

Dated this 3rd day of June 2026
At The Hague, the Netherlands

12:15; Email, Prosecution to Defence, "Re: Draft Letter of Instructions - Rule 135 Panel of Experts", 3 June 2026, 11:47; Email, Prosecution to Defence, "Re: Draft Letter of Instructions - Rule 135 Panel of Experts", 2 June 2026, 18:10; Email, Defence to Prosecution, "Draft Letter of Instructions - Rule 135 Panel of Experts", 2 June 2026, 14:56.