

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 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

Public redacted version of ‘Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence’, 12 June 2026, ICC-01/21-01/25-462-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
[REDACTED]
[REDACTED]
[REDACTED]

TRIAL CHAMBER III (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Rodrigo Roa Duterte*, pursuant to Articles 64(2) and 67(1) of the Rome Statute (the ‘Statute’), Rule 135 of the Rules of Procedure and Evidence (the ‘Rules’), Regulation 103 of the Regulations of the Court, and Regulation 156 of the Regulations of the Registry, issues this ‘Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence’.

I. PROCEDURAL HISTORY

1. On 12 March 2025, pursuant to a warrant of arrest issued by Pre-Trial Chamber I on 7 March 2025,¹ Rodrigo Roa Duterte (the ‘Accused’) was surrendered to the Court.
2. On 14 March 2025, Pre-Trial Chamber I decided that the hearing on the confirmation of charges would commence on 23 September 2025.²
3. On 18 August 2025, the Defence filed the ‘Defence Request for an Indefinite Adjournment’, requesting, *inter alia*, that Pre-Trial Chamber I order ‘that all legal proceedings, including the hearing on the confirmation of charges, be adjourned indefinitely’, based on its assertion that the Accused ‘is not fit to stand trial as a result of cognitive impairment in multiple domains’.³
4. On 8 September 2025, Pre-Trial Chamber I, by majority, issued the ‘Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence’.⁴ In its order, Pre-Trial Chamber I instructed the Registry to submit a shortlist of qualified medical experts to determine and assess the Accused’s ability to follow and take part in the then ongoing pre-trial proceedings and whether any special measures or adjustments were necessary to address the Accused’s medical condition during the pre-trial proceedings.⁵

¹ Warrant of Arrest for Mr Rodrigo Roa Duterte, ICC-01/21-01/25-83.

² Transcript of hearing, ICC-01/21-01/25-T-002-ENG, p. 10.

³ Defence Request for an Indefinite Adjournment, ICC-01/21-01/25-230-Conf (public redacted version was notified on 11 September 2025, ICC-01/21-01/25-230-Red), paras 1, 35, with confidential annexes A and B.

⁴ Order pursuant to rules 113 and 135 of the Rules of Procedure and Evidence, ICC-01/21-01/25-268 (the ‘Initial Rule 135 Order’).

⁵ Initial Rule 135 Order, para. 24.

5. Between 24 September and 3 November 2025, based on shortlists of medical experts provided by the Registry and its recommendations as to the composition of a panel of experts, and following the observations and/or requests of the parties and participants, Pre-Trial Chamber I appointed a panel of three experts (the ‘Initial Expert Panel’): (i) Dr [REDACTED], possessing expertise in forensic psychiatry; (ii) Dr [REDACTED], possessing expertise in geriatric and behavioural neurology; and (iii) Dr [REDACTED], possessing expertise in neuropsychology. In appointing the experts, Pre-Trial Chamber I instructed the panel members to undertake a medical examination of the Accused’s ability to follow and take part in the then ongoing pre-trial proceedings, including the confirmation of charges.⁶

6. On 5 December 2025, the Registry transmitted to Pre-Trial Chamber I the Initial Expert Panel’s joint and individual reports (the ‘Initial Expert Reports’).⁷

7. On 26 January 2026, following the submission of the Initial Expert Reports, Pre-Trial Chamber I issued a decision rejecting the Defence’s request for an indefinite adjournment of the proceedings and finding the Accused fit to take part in the pre-trial proceedings.⁸ The Defence filed a request for leave to appeal,⁹ which Pre-Trial Chamber I rejected.¹⁰

8. On 23 April 2026, Pre-Trial Chamber I confirmed the charges against the Accused,¹¹ and the case was referred to the Chamber on 24 April 2026.¹²

⁶ 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 (the ‘Initial Decision Appointing Experts’), paras 17-18.

⁷ Registry Transmission of the Panel of Experts’ Joint and Individual Reports, ICC-01/21-01/25-327-Conf (public redacted version notified on 18 December 2025, ICC-01/21-01/25-327-Red), with confidential annexes I, II, III, IV.

⁸ Decision on the ‘Defence Request for an Indefinite Adjournment’ and Mr Duterte’s fitness to take part in the pre-trial proceedings, ICC-01/21-01/25-356-Conf (a public redacted version of this decision was filed on the same day, ICC-01/21-01/25-356-Red).

⁹ Request for Leave to Appeal Decision ICC-01/21-01/25-356-Conf, 2 February 2026, ICC-01/21-01/25-363 (a public redacted version was filed on the same day, ICC-01/21-01/25-363-Red).

¹⁰ Decision on the ‘Request for Leave to Appeal Decision ICC-01/21-01/25-356-Conf’, 13 February 2026, ICC-01/21-01/25-376.

¹¹ Decision on the confirmation of charges against Mr Rodrigo Roa Duterte, 23 April 2026, ICC-01/21-01/25-417-Conf (a public redacted version was notified on the same day, ICC-01/21-01/25-417-Red).

¹² Presidency, Decision constitution Trial Chamber III and referring to it the case of The Prosecutor v. Rodrigo Roa Duterte, ICC-01/21-01/25-420.

9. On 30 April 2026, the Chamber issued a scheduling order convening the first status conference in this case, in which it sought submissions from the parties and participants on a number of items, including motions requiring resolution prior to the start of trial.¹³

10. On 15 May 2026, in its written observations in advance of the first status conference, the Defence submitted that the start of the trial would be contingent on the Chamber's determination of the Accused's fitness to stand trial.¹⁴ In its submissions, the Defence argued that, although a determination of the Accused's fitness to stand trial was undertaken during the pre-trial phase, the Accused's 'condition continues to deteriorate and will need more fully to be reviewed before any trial may commence'.¹⁵ The Defence stated that, as a result, it would submit, pursuant to Rule 135 of the Rules, a request to the Chamber to revisit the issue of the Accused's fitness to stand trial.¹⁶

11. On 25 May 2026, pursuant to the Chamber's order,¹⁷ the Defence submitted a request for the Chamber to order a medical examination of the Accused pursuant to Rule 135 of the Rules prior to the commencement of any trial.¹⁸ The Defence also requested that the Chamber schedule 'oral hearings to examine the experts on their conclusions in the courtroom'.¹⁹

12. On 27 May 2026, following submissions during the first status conference in this case, the Chamber ordered the parties to liaise for the purpose of submitting a proposed joint letter of instruction for the panel of experts by 3 June 2026 and instructed the Registry to report back to the Chamber on the availability of the members of the Initial Expert Panel.²⁰

¹³ Order Scheduling First Status Conference, ICC-01/21-01/25-423.

¹⁴ Defence Observations in Advance of the First Status Conference, ICC-01/21-01/25-439-Conf (a public redacted version was filed on the same day, ICC-01/21-01/25-439-Red) (the 'Defence Observations'), para 4.

¹⁵ Defence Observations, para. 4.

¹⁶ Defence Observations, para. 4.

¹⁷ Email Instruction from the Chamber to the Defence, 19 May 2026, 9:49.

¹⁸ Defence's request for medical examination pursuant to Rule 135, ICC-01/21-01/25-450-Conf (a public redacted version was filed on the same day, ICC-01/21-01/25-450-Red) (the 'Defence Rule 135 Request').

¹⁹ Defence Rule 135 Request, para. 21.

²⁰ Transcript of Hearing, ICC-01/21-01/25-T-009-Red, p. 56.

13. On 29 May 2026, the Registry informed the Chamber of the experts' availability as follows: (i) Dr [REDACTED] indicated availability on certain dates [REDACTED]; (i) Dr [REDACTED] indicated availability on [REDACTED]; and (iii) Dr [REDACTED] indicated that he would first be available in [REDACTED].²¹ On 2 June 2026, the Registry submitted an update to the Chamber regarding Dr [REDACTED] availability in which it stated that Dr [REDACTED] 'indicated that he is available to conduct the medical examination in question, if any, on [REDACTED]'.²²

14. On 3 June 2026, the Prosecution and the Defence filed a joint submission (the 'Joint Submission') before the Chamber stating that, after a series of exchanges, they had agreed on a proposed letter of instruction for the expert assessment of the Accused (the 'Letter of Instruction for the Expert Panel').²³ In the Joint Submission, the parties requested that the Chamber order the appointed experts to fulfil their mandate in accordance with the terms outlined in the proposed instructions.²⁴

15. On 4 June 2026, subsequent to the Chamber's email order of 2 June 2026,²⁵ and in light of the updated information regarding Dr [REDACTED] availability, the Prosecution took the position that engaging a new expert to replace Dr [REDACTED] on the eventual expert panel would no longer be necessary.²⁶ The Prosecution further submitted that following discussions with the Defence regarding Dr [REDACTED] availability, both parties had agreed that, further submissions on the issue were unnecessary in light of the update.²⁷ On the same date, the Common Legal Representatives of the Victims submitted that, following the Registry's updated information and the parties' position, they did not intend to file further submissions on appointment of medical experts.²⁸

²¹ Email from the Registry to the Chamber, 29 May 2026, 17:09.

²² Email from the Registry to the Chamber, 2 June 2026, 12:36

²³ Joint Defence and Prosecution Submission on Instructions for the Assessment of Mr Rodrigo Roa Duterte's Fitness to Stand Trial, ICC-01/21-01/25-453, with confidential annex A, para. 5.

²⁴ Joint Submission, para. 6.

²⁵ Email from the Chamber, [ICC-01/21-01/25 - Confidential] Order regarding the issues concerning the Accused's fitness to stand trial, 2 June 2026, at 12:09.

²⁶ Email from the Prosecution to the Chamber, 4 June 2026, 13:15.

²⁷ Email from the Prosecution to the Chamber, 4 June 2026, 13:15.

²⁸ Email from the Common Legal Representatives to the Chamber, 4 June 2026, 14:50.

II. ANALYSIS

A. Reasons for ordering a medical examination pursuant to Rule 135(2) of the Rules

16. At the outset, the Chamber recalls that, pursuant to Article 64(2) of the Statute, it has a responsibility to ensure that the trial is fair and expeditious and conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses. The Chamber further recalls that it may, for any reason, order a medical, psychiatric or psychological examination of the accused pursuant to Rule 135 of the Rules.

17. For the reasons that follow, the Chamber finds that a medical examination of the Accused pursuant to Rule 135 of the Rules is necessary for it to properly discharge its obligations pursuant to Article 64 of the Statute and adjudicate on any issues as to the Accused's fitness to stand trial.

18. The Chamber notes that the Initial Expert Reports were based on the directions the Pre-Trial Chamber gave to the Initial Expert Panel which related to the question of whether the suspect was fit to take part in the *pre-trial proceedings*.²⁹ Accordingly, the Chamber is yet to address and resolve the issue of the Accused's fitness, having not been involved in the previous assessment and determination made by the Pre-Trial Chamber, which was limited in scope to the pre-trial proceedings. Given that the Accused is now to stand trial, the Chamber finds that it requires an objective assessment of the Accused's health by independent experts for the purposes of making a determination as to his fitness to stand trial. In light of the Accused's previous medical examination during the pre-trial phase, the Chamber finds that it would be reasonable for the appointed experts to use as a point of departure the findings contained in the Initial Expert Reports. In doing so, the appointed experts should determine whether the Accused's medical condition has changed in any manner that they consider relevant for the purposes of making a determination pursuant to Rule 135 of the Rules. The appointed experts must also consider his medical condition, regardless of whether it has

²⁹ 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, paras 17-18.

remained stable or changed, vis-à-vis the upcoming trial proceedings due to commence on 30 November 2026.

19. Accordingly, for these reasons the Chamber orders a medical examination to be conducted of the Accused pursuant to Rule 135 of the Rules.

B. Appointment of medical experts

20. First, the Chamber observes that both the Prosecution³⁰ and the Defence³¹ support the appointment of a panel of experts, and in particular the very same members who served on the Initial Expert Panel.

21. The Chamber further notes that having evaluated the Accused in the context of the medical examination ordered by Pre-Trial Chamber I, all three experts have already been admitted to the List of Experts of the ICC and were agreed upon by the parties within the meaning of Rule 135(3) of the Rules.

22. With regard to the required qualifications and expertise of the experts, in light of the information provided and the factors mentioned above by the Chamber, as well as the observations from the parties and participants and the other relevant filings on the record, the Chamber, in order for it to determine whether the Accused is fit to take part in the trial proceedings, appoints the same multidisciplinary panel selected at the pre-trial stage (the ‘Expert Panel’), namely: Doctors [REDACTED], [REDACTED] and [REDACTED].³²

C. Directions on the medical examination

(i) General Considerations

23. The Chamber observes that, as held by other chambers of this Court, the concept of ‘fitness to stand trial’ must be viewed as an aspect of the broader notion of fair trial which is rooted in the idea that whenever the accused is, for reasons of ill health, unable

³⁰ Transcript of Hearing, ICC-01/21-01/25-T-009-Red, p. 41.

³¹ Defence Rule 135 Request, para. 19; Transcript of Hearing, ICC-01/21-01/25-T-009-Red, p.40.

³² See Registry Submission of a Shortlist of Experts in Neuropsychology pursuant to ICC-01/21-01/25-288-Conf, ICC-01/21-01/25-294-Conf-AnxII, pp. 91-93.

to meaningfully exercise his or her procedural rights, the trial cannot be fair and criminal proceedings must be adjourned until the obstacles cease to exist.³³

24. The meaningful exercise, by an Accused, of these procedural rights, include, *inter alia*, the capacity to understand the conduct, purpose and possible consequences of the trial proceedings, instruct counsel and, if desired, to make a statement.³⁴ However, it is not a requirement that such capacities be present at their notionally highest level, or at the highest level that a particular accused has ever enjoyed in respect of each capacity.³⁵ The threshold is satisfied when an accused possesses these capacities, viewed overall and in a reasonable manner.³⁶

25. In connection with the foregoing, the question of whether an accused is fit to stand trial does not depend, in and of itself, on whether he or she has particular medical conditions, but whether he or she is able to effectively exercise his or her fair trial rights in the proceedings.³⁷

26. Finally, the Chamber notes that, where a medical examination is ordered under Rule 135 of the Rules, it is the exclusive responsibility of the Chamber to determine the fitness of the accused, in view of its obligations under Article 64(2) of the Statute.³⁸ The role of the parties and appointed medical experts in connection to the determination

³³ Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Decision on the Defence Request to Order a Medical Examination of Dominic Ongwen, 16 December 2016, ICC-02/04-01/15-637-Red (the ‘Ongwen Medical Examination Decision’), para. 7; Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, Decision on the fitness of Laurent Gbagbo to take part in the proceedings before this Court, 2 November 2012, ICC-02/11-01/11-286-Red (the ‘First Gbagbo Fitness Decision’), para. 43; Trial Chamber I, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Decision on the fitness of Laurent Gbagbo to stand trial, 27 November 2015, ICC-02/11-01/15-349 (the ‘Second Gbagbo Fitness Decision’), para. 33.

³⁴ Trial Chamber VI, *The Prosecutor v. Mahamat Said Abdel Kani*, Decision Appointing Experts for the Purpose of a Medical Examination pursuant to Rule 135 of the Rules of Procedure and Evidence, 24 August 2023, ICC-01/14-01/21-630-Red, para. 35; *Ongwen Medical Examination Decision*, para. 8; *First Gbagbo Fitness Decision*, para. 50.

³⁵ ICTY, Trial Chamber II, *The Prosecutor v. Pavle Strugar*, Decision re the Defence Motion to Terminate the Proceedings, 26 May 2004, IT-01-42-T (the ‘Strugar Decision’), para. 37; *Second Gbagbo Fitness Decision* para. 36.

³⁶ *Strugar Decision*, para. 37.

³⁷ Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision on the Defence notice on Mr Al Hassan’s unfitness to stand trial, 13 July 2020, ICC-01/12-01/18-952 (public redacted version notified on 2 September 2020, ICC-01/12-01/18-952-Red), para. 36; *Ongwen Medical Examination Decision*, para. 13.

³⁸ Trial Chamber I, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Order to conduct a medical examination of Mr Gbagbo under Rule 135 of the Rules, 30 September 2015, ICC-02/11-01/15-253, para. 14.

of whether an accused is unfit to stand trial is better seen as assisting the Chamber in the exercise of its obligations in this regard.³⁹

(ii) *General Directions*

27. The Chamber notes that the Prosecution and the Defence have liaised with regard to the composition of, and the instructions to be given to, the Expert Panel, in the context of its assessment of the Accused pursuant to Rule 135 of the Rules. In particular, the Chamber notes that the parties proposed, jointly, a Letter of Instruction for the Expert Panel.⁴⁰ The Chamber acknowledges the parties' collaborative effort and commends the parties on reaching a mutual agreement regarding the nature and substance of the expert instructions.

28. Having analysed the Letter of Instruction for the Expert Panel, the Chamber has accepted the parties' suggestions, except for a limited number of points that were either not entirely relevant or falling outside the scope of the Expert Panel's expertise.

29. The Chamber is cognisant of the eventual need for special measures and modalities to ensure the Accused's full and effective participation in the upcoming trial proceedings. To that end, the Chamber wishes to receive concrete proposals from the Expert Panel regarding necessary measures, modalities and/or adjustments, if any, the Chamber could adopt to address any medical condition of the Accused. This will allow the Chamber to ensure that relevant practical arrangements are made in advance and the proceedings are conducted as expeditiously as possible.

30. In particular, the Chamber notes that pursuant to its ruling on the commencement date of the trial, and in line with the practice of previous trials, it will sit on a daily basis (Monday to Friday) on the following schedule: 9:30 to 11:00; 11:30 to 13:00 and 14:30 to 16:00,⁴¹ subject to any recommendations from the Expert Panel to the contrary. The Chamber further notes that the hearings may run for period of 2-4 weeks uninterrupted, with periodic adjournments of 1-2 weeks between blocks of evidence.

³⁹ *Ongwen* Medical Examination Decision, para. 11; First *Gbagbo* Fitness Decision, para. 56.

⁴⁰ Joint Submission, ICC-01/21-01/25-453-Conf-AnxA.

⁴¹ See Transcript of Hearing, ICC-01/21-01/25-T-009-Red, p. 46.

31. In light of the aforementioned considerations, and in order to assist it in determining whether the Accused is fit to stand trial, the Chamber instructs the Expert Panel as follows:

- i. Conduct a review, as necessary, of additional medical information that has become available since the Initial Expert Panel's last assessment of the Accused which may assist the experts in preparing their examination and reports, including, *inter alia*: (i) information from detention centre personnel regarding the Accused's daily routine and other relevant details necessary to fulfil the Expert Panel's mandate; and (ii) drawings or written materials produced by the Accused during detention, to assess coherence and other relevant aspects.
- ii. Conduct all necessary examinations, including physical and psychiatric/psychological assessments, within each expert's scope of expertise.

In the context of these examinations, the experts are invited to conduct one or more assessment sessions as deemed necessary. This decision should be specified in the report. Where multiple sessions are conducted, the interval between assessments should be determined by the expert, taking into account both the integrity of the evaluation and the well-being of Mr Duterte, including the need to avoid mental fatigue or other adverse health effects.

Observations should be documented in detail using standardized tools, photographs, or recordings, where appropriate. These may be annexed to the report as deemed necessary.

- iii. Clinically assess the Accused, with the aim of providing an expert opinion, specifically to determine:
 - a. Whether the Accused has the capacity necessary for the meaningful exercise of his procedural and fair trial rights at the trial phase, including the ability to:

1. Understand the charges;
 2. Understand the purpose and consequences of the proceedings;
 3. Follow the course of the proceedings, including the nature and implications of entering a plea;
 4. Understand the evidence;
 5. Testify or make an unsworn statement, if he so chooses; and
 6. Instruct counsel in the preparation and conduct of his defence.
- b. If any impairment of mental capacity is identified, specify the affected areas;
- c. If impairment is present, assess whether it is due to reversible or irreversible causes and evaluate the relative impact of each;
- d. If the impairment is considered reversible, specify the type of treatment, or combination of treatments, that would be recommended, as well as the estimated duration of such treatment, to improve the individual's capacities to meaningfully participate in the proceedings; and
- e. Identify any contributing factors that may exacerbate the condition and indicate whether such factors are preventable or reversible, including, to the extent it can be determined, any detrimental impact on his physical and/or psychological health that may occur as a result of attending the trial proceedings and following the evidence on a daily basis

- iv. Compare the above evaluation with the assessment conducted by the Expert Panel for its December 2025 reports and provide an expert opinion on any differences or developments identified.
- v. Describe the measures implemented to prevent, anticipate, and address any potential over-reporting or misrepresentation of symptoms by Mr Duterte particularly for the tests already used in the previous assessment.
- vi. Assess whether the Accused is physically and psychologically able to withstand full-time trial proceedings and identify whether any special measures or adjustments are recommended to address any identified medical condition of the Accused, including in light of any prognosis, to facilitate his attendance at and participation in the trial.
- vii. In light of the conclusions reached, consider whether any reassessment of Mr Duterte's fitness to stand trial ought to be conducted periodically, and if so, the frequency with which such periodic reassessments ought to occur.

32. The Registry is directed to provide all necessary assistance to the Expert Panel for it to undertake the medical examination of the Accused. This should include the transmission of the present decision and the Letter of Instruction for the Expert Panel.⁴²

33. The Registry, in consultation with the Medical Officer of the Detention Centre and in accordance with the applicable legal framework, shall provide the Expert Panel with all relevant documents and materials, including: (i) with the consent of the Accused, his medical record, including any new materials added to it following the issuance of the present decision; and (ii) in consultation with the parties, all relevant filings on the case record.

⁴² The Registry is instructed to clarify to the Expert Panel that the medical examination shall be carried out in accordance with the instructions provided within the present decision (paragraph 31 above), and that the Letter of Instruction for the Expert Panel is transmitted for the purpose of providing further information that could be of assistance to their undertaking of the medical examination.

34. The Chamber notes that, at the time Pre-Trial Chamber I ordered the initial medical examination of the Accused, the medical file was ‘currently partially in English and partially in the Dutch language’.⁴³ As a result, Pre-Trial Chamber I instructed the Registry to proceed with the necessary translations into English and transmit said records to the Initial Expert Panel on a rolling basis, and further instructed the Registry to ‘ensure that any new materials added to the medical record following the issuance of the present decision are expeditiously translated [...]’.⁴⁴ Based on the foregoing, it is the Chamber’s understanding and expectation that the Accused’s medical records produced since the date of the Initial Expert Reports have been translated into English. Accordingly, the Chamber orders that these translations be promptly transmitted to the members of the Expert Panel so that they may undertake their examination of the Accused.

35. The Chamber instructs the Expert Panel to only utilise the information it receives for the purpose of formulating its reports, and orders it not to divulge any information without prior approval of the Chamber.

(iii) Contact with Expert Panel

36. In order to maintain the impartiality of the Expert Panel, the parties and participants shall refrain from any contact with the members of the Expert Panel, unless approved by the Chamber.

(iv) Submission of report and subsequent procedure

37. The Chamber instructs the Expert Panel to submit a joint report, to the extent possible and as considered appropriate. The joint, or individual, reports should contain:

- i. An introduction outlining the instructions received;
- ii. A complete list of the materials received from the Registry, as well as the materials reviewed and those not relied upon in the preparation of the reports;

⁴³ Initial Decision Appointing Experts, para. 21.

⁴⁴ Initial Decision Appointing Experts, para. 21.

- iii. A description of the information and materials examined;
- iv. An explanation of the methodology applied;
- v. Clarification of any issues arising from the instructions;
- vi. A detailed account of findings from the clinical examination, including any standardised tools and ancillary examinations used;
- vii. A discussion of any limitations of the methodology and conclusions, including, *inter alia*, those related to language, tools used, or the absence of necessary ancillary examinations; and
- viii. expert opinion, conclusions, and any recommendations. In the event of disagreement among experts, separate independent opinions are expected.

38. In accepting these instructions, the Expert Panel is instructed to confirm that:

- i. the Expert Panel is independent and impartial;
- ii. the Expert Panel has no actual, potential, or perceived conflict of interest in relation to the present proceedings, the parties, or any participant in the case;
- iii. the Expert Panel will provide its opinion objectively and in good faith, independently of the interests of any party of this proceedings;
- iv. the Expert Panel understands that its primary duty is to assist the Chamber within its area of expertise; and
- v. the Expert Panel has complied with that duty in the preparation of its report and, should testimony be necessary, that it will continue to comply with that duty during its oral evidence.

39. The joint, or individual, reports should be transmitted to the Registry by no later than 18 August 2026. The Registry is instructed to liaise with the Defence so as to

address any potential issues regarding the confidentiality of the information contained in the report(s) and, as applicable, either file the report(s) as confidential or with confidential redacted version(s). Redactions shall not be applied to findings, conclusions or recommendations which relate to the Accused's ability to follow and take part in the trial proceedings. The Registry shall file the Expert Panel's report(s), with any redactions if necessary, by no later than 24 August 2026.

40. The parties and participants shall file observations, if any, on the Expert Panel's report(s) by no later than 31 August 2026.

41. As regards the Defence's request for an oral hearing to examine the experts on their conclusions,⁴⁵ the Chamber defers its decision until the receipt of the Expert Panel's report(s). The parties may address the need for such a hearing, if any, in their observations to the Expert Panel's report(s).

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS that a medical examination of the Accused be conducted in accordance with the present decision;

APPOINTS an Expert Panel consisting of Dr [REDACTED], Dr [REDACTED], and Dr [REDACTED] to undertake the aforementioned medical examination;

INSTRUCTS the Registry to make the necessary arrangements and provide all necessary assistance to facilitate the conduct of the examination in accordance with paragraphs 32-34 above;

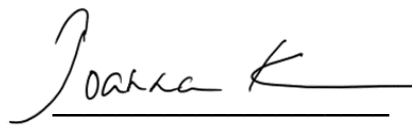
INSTRUCTS the Expert Panel to submit a report, jointly to the extent possible and as considered appropriate, to the Registry by 18 August 2026, which shall then file the joint or individual reports by no later than 24 August 2026, in accordance with paragraphs 31 and 37-39 above;

⁴⁵ Defence Rule 135 Request, para. 21.

INSTRUCTS the Registry to put on the record the original and redacted versions of the Expert Panel's report(s) in accordance with paragraph 39 above; and

ORDERS the parties and participants to refrain from contact with the Expert Panel, and submit observations in accordance with paragraph 40 above.

Done in both English and French, the English version being authoritative.



Judge Joanna Korner

Presiding Judge



Judge Keebong Paek



Judge Nicolas Guillou

Dated this **12 June 2026**

At The Hague, The Netherlands