

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/21-01/25
Date: 17 September 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 “Observations on behalf of Victims
on the Joint and Individual Reports of the Panel of Experts
(ICC-01/21-01/25-492-Conf)”**

Source: Common Legal Representatives of the Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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D36

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☐ 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

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Mr. Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

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Reparations Section

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I. INTRODUCTION

1. The Common Legal Representatives of the Victims (the “CLR”) hereby file their observations on the “Registry Transmission of the Panel of Experts’ Joint and Individual Reports pursuant to ICC-01/21-01/25-462-Conf” (the “Joint and Individual Reports”).¹

2. Upon careful review of the Joint and Individual Reports, the CLR note that the Experts appointed by Trial Chamber III (the “Chamber”) are in agreement that, although Mr Duterte is [REDACTED], he currently [REDACTED] required to stand trial and [REDACTED]. In particular, the experts unanimously concluded that Mr Duterte [REDACTED].

3. Accordingly, the CLR submit that the applicable legal criteria governing an accused’s fitness to stand trial are satisfied under the established jurisprudence of the Court.

II. PROCEDURAL BACKGROUND

4. On 18 August 2025, the Defence requested Pre-Trial Chamber I to order an indefinite adjournment of the proceedings against Mr Duterte (the “Defence’s Initial Request”).²

5. On 3 November 2025, the Pre-Trial Chamber: (i) appointed the Panel of Experts, composed of [REDACTED], and (ii) instructed them to undertake a medical

¹ See the “Registry Transmission of the Panel of Experts’ Joint and Individual Reports pursuant to ICC-01/21-01/25-462-Conf”, No. ICC-01/21-01/25-480-Conf with Confidential Annexes I to IV, 21 August 2026 (the “Joint and Individual Reports”).

² See the “Defence Request for an Indefinite Adjournment”, No. ICC-01/21-01/25-230-Conf, 18 August 2025. A public redacted version [No. ICC-01/21-01/25-230-Red](#) was filed on 11 September 2025 (the “Defence’s Initial Request”). See also, the “Prosecution’s Response to the ‘Defence Request for an Indefinite Adjournment’”, No. ICC-01/21-01/25-253-Conf, 28 August 2025. A public redacted version [No. ICC-01/21-01/25-253-Red](#) was filed on 11 September 2025; and the “Victims’ Response to the ‘Defence Request for an Indefinite Adjournment’”, No. ICC-01/21-01/25-257-Conf-Exp, 29 August 2025. A lesser public redacted version [No. ICC-01/21-01/25-257-Red2](#) was filed on 8 October 2025.

examination of Mr Duterte in order to assess his ability to follow and participate in the then-ongoing pre-trial proceedings, including the confirmation of charges.³

6. On 26 January 2026, following the submission of the Expert Reports (the “December 2025 Reports”)⁴, the Pre-Trial Chamber: (i) found the Suspect fit to participate in the pre-trial proceedings, and consequently (ii) rejected the Defence’s Initial Request.⁵

7. On 23 April 2026, the Pre-Trial Chamber confirmed the charges against Mr Duterte,⁶ and the case was referred to the Chamber on 24 April 2026.⁷

8. On 25 May 2026, the Defence requested the Chamber to order a medical examination of Mr Duterte (the “Second Defence Request”) pursuant to Rule 135 of the Rules of Procedure and Evidence (the “Rules”).⁸

9. On 12 June 2026, the Chamber decided to: (i) grant the Second Defence Request; (ii) appoint the same multidisciplinary panel selected at the pre-trial stage (the “Panel of Experts”), and (iii) instruct the experts to determine whether the Accused’s medical condition has changed in any manner that they consider relevant for the purposes of

³ See the “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”, No. ICC-01/21-01/25-279-Conf, 24 September 2025, paras. 17-18. A public redacted version [No. ICC-01/21-01/25-279-Red](#) was filed on 16 October 2025.

⁴ See the “Registry Transmission of the Panel of Experts’ Joint and Individual Reports”, No. ICC-01/21-01/25-327-Conf with confidential annexes I, II, III, IV, 5 December 2025.

⁵ See the “Decision on the ‘Defence Request for an Indefinite Adjournment’ and Mr Duterte’s fitness to take part in the pre-trial proceedings”, No. ICC-01/21-01/25-356-Conf, 26 January 2026. A public redacted version [No. ICC-01/21-01/25-356-Red](#) was filed on the same day.

⁶ See the “Decision on the confirmation of charges against Mr Rodrigo Roa Duterte”, No. ICC-01/21-01/25-417-Conf, 23 April 2026. A public redacted version [No. ICC-01/21-01/25-417-Red](#) was notified on the same day.

⁷ See the “Decision constitution Trial Chamber III and referring to it the case of The Prosecutor v. Rodrigo Roa Duterte” (Presidency), [No. ICC-01/21-01/25-420](#), 24 April 2026.

⁸ See the “Defence’s request for medical examination pursuant to Rule 135”, No. ICC-01/21-01/25-450-Conf, 25 May 2026. A public redacted version [No. ICC-01/21-01/25-450-Red](#) was filed on the same day (the “Second Defence Request”).

making a determination pursuant to Rule 135 of the Rules (the “Second Medical Examination Order”).⁹

10. On 21 August 2026, the Registry filed the Joint and Individual Reports of the Panel of Experts.¹⁰

11. On 25 August 2026, the Chamber, by e-mail, ordered the Registry to provide its observations on the practicalities of the measures recommended by the experts to facilitate Mr Duterte’s attendance and participation in the trial by 7 September 2026.¹¹

III. CLASSIFICATION

12. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present submission is classified as confidential because it refers to the content of documents bearing the same classification. A public redacted version will be filed in due course.

IV. OBSERVATIONS

13. The CLRV recall that, in the Second Medical Examination Order, the Chamber instructed the Panel of Experts to determine and assess, in particular: (i) whether Mr Duterte possesses the capacity necessary to meaningfully exercise his fair trial rights at the trial phase, and (ii) whether he suffers from any impairment of mental capacity.¹²

14. The Panel of Experts is unanimous in finding that: (i) there is no new evidence affecting [REDACTED]; (ii) there is no evidence of [REDACTED]; and (iii) there is no evidence that Mr Duterte [REDACTED].¹³

⁹ See the “Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence”, No. ICC-01/21-01/25-462-Conf, 12 June 2026. A public redacted version [No. ICC-01/21-01/25-462-Red](#) was filed on the same day (the “Second Medical Examination Order”).

¹⁰ See the Joint and Individual Reports, *supra* note 1.

¹¹ See the Chamber e-mail dated 25 August 2026 at 13:43.

¹² See the Second Medical Examination Order, *supra* note 9, para. 31.

¹³ See the Joint and Individual Reports, *supra* note 1, paras. 12.1 and 12.2.

15. The Panel of Experts further unanimously concluded that Mr Duterte [REDACTED].¹⁴

16. The Panel of Experts additionally concluded, *inter alia*, that: (i) although Mr Duterte [REDACTED]; (ii) [REDACTED]; (iii) [REDACTED], and (iv) [REDACTED].¹⁵

17. In light of these clear and consistent scientific conclusions, the CLRV submit that the legal criteria governing fitness to stand trial under the established jurisprudence of the Court are fully satisfied in the present case.¹⁶ In particular, the Panel of Experts' findings establish that Mr Duterte [REDACTED].

18. Significantly, the Panel of Experts found [REDACTED]. Although [REDACTED], the experts unanimously concluded that [REDACTED]. Under the Court's jurisprudence, the absence of any impairment preventing the meaningful exercise of fair trial rights is determinative of fitness to stand trial.¹⁷

19. As recently reaffirmed in the *Saïd* case, the ability of an accused, viewed overall and in a reasonable manner, to understand and participate in the proceedings and to instruct counsel is central to a finding that they are fit to stand trial.¹⁸ The unanimous conclusions of the Panel of Experts demonstrate that [REDACTED].

¹⁴ *Idem*, paras. 13.1 to 13.6.

¹⁵ *Idem*, paras. 14.1 to 18.1.

¹⁶ See the "Decision on Mr Said's Fitness to Stand Trial", (Trial Chamber VI), [No. ICC-01/14-01/21-667-Red](#), 15 December 2023, paras. 43-44.

¹⁷ *Idem*, para. 35, citing the "Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence", (Trial Chamber X), [No. ICC-01/12-01/18-1006-Red](#), 24 March 2021, para. 33. See also, the "Decision on the Defence notice on Mr Al Hassan's unfitness to stand trial", (Trial Chamber X), [No. ICC-01/12-01/18-952-Red](#), 2 September 2020, para. 33; the "Decision on the Defence Request to Order a Medical Examination of Dominic Ongwen" (Trial Chamber IX), [No. ICC-02/04-01/15-637-Red](#), 16 December 2016, para. 7; the "Decision on the fitness of Laurent Gbagbo to stand trial", (Trial Chamber I), [No. ICC-02/11-01/15-349](#), 27 November 2015, para. 33; and the "Decision on the fitness of Laurent Gbagbo to take part in the proceedings before this Court", (Pre-Trial Chamber I), [No. ICC-02/11-01/11-286-Red](#), 2 November 2012, para. 43.

¹⁸ See the "Decision on Mr Said's Fitness to Stand Trial", *supra* note 16, para. 35.

20. Accordingly, on the basis of the Panel of Experts' conclusions, the Chamber is entitled to find that Mr Duterte is fit to stand trial and [REDACTED].

21. Concerning the measures recommended by the experts to facilitate Mr Duterte's attendance and participation in the trial, [REDACTED],¹⁹ the CLRV do not oppose the adoption of reasonable accommodations, provided that such measures do not prejudice the rights of other participants or the orderly conduct of the proceedings.

V. CONCLUSION

22. For the foregoing reasons, the CLRV respectfully request the Chamber to find that Mr Duterte is fit to stand trial.



Gilbert Andres



Joel Butuyan



Paolina Massidda

Dated this 17th day of September 2026

At The Hague (The Netherlands) and Manila (The Philippines).

¹⁹ See the Joint and Individual Reports, *supra* note 1, Annex III page 14, point 8 and Annex IV page 17, point 12.