

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: **English**

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

Date: **15 July 2025**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Iulia Antoanella Motoc, Presiding Judge  
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***

**Confidential**

**Prosecution's response to "Urgent Defence Request for a Status Conference under rule 121(2)(b)"**

**Source:** Office of the Prosecutor

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## I. INTRODUCTION

1. The Prosecution respectfully requests that the Chamber reject the Defence's "Urgent Defence Request for a Status Conference under rule 121(2)(b)" (the "Request").<sup>1</sup>

## II. CONFIDENTIALITY

2. This Response is classified as confidential pursuant to regulation 23bis(2) of the Regulations of the Court, as it responds to a filing of the same classification.

## III. SUBMISSIONS

3. The Defence submits that a status conference should be scheduled in order to:

- i. determine "the most efficient way to proceed with matters concerning Mr Duterte's competency"; and
- ii. determine if the "current schedule for the hearing on the confirmation of charges" "remains feasible" given the alleged delays in procuring Mr Duterte's medical records.<sup>2</sup>

4. First, contrary to the submissions of the Defence,<sup>3</sup> there is no "urgency" that requires a status conference to be scheduled in advance of the judicial recess. As noted by the Defence, there has been no final medical report regarding Mr Duterte's condition and further recommendations on testing have not been completed.<sup>4</sup> If a hearing regarding Mr Duterte's condition is required, this should only take place once such examinations are completed, the Defence's report finalised, and the Prosecution given the opportunity, if necessary, to request an additional expert evaluation and opinion. The fact that these evaluations are not completed to date, which was entirely foreseeable, does not thereby create a situation of "urgency".

5. Second, the Prosecution submits that a status conference is not the appropriate mechanism to address the issues raised by the Defence. Put simply, the "the most efficient way to proceed with matters concerning Mr Duterte's competency"<sup>5</sup> is for the Defence to file a motion raising any purported competency issues once their desired tests and evaluations have been completed and a final report submitted. The Prosecution will then respond accordingly, if

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<sup>1</sup> Urgent Defence Request for a Status Conference under rule 121(2)(b), 14 July 2025.

<sup>2</sup> Request, para. 2.

<sup>3</sup> Request, para. 3.

<sup>4</sup> Request, para. 4.

<sup>5</sup> Request, para. 2.

necessary seeking additional expert evaluation, and the Pre-Trial Chamber will only then have the information needed to make a determination regarding Mr Duterte's competence. A status conference is therefore not necessary since the steps outlined above constitute the only feasible way forward.

6. Equally, there is no urgent need for a status conference to discuss whether the "current schedule for the hearing on the confirmation of charges" "remains feasible".<sup>6</sup> If the Defence seek to delay the proceedings, they should file a motion setting out their grounds and the Prosecution will respond. There is no "urgency" to discuss whether a delay is necessary.

#### **IV. REQUESTED RELIEF**

7. For the above reasons, the Prosecution requests that the Chamber reject the Defence's Request. The Prosecution further respectfully requests that the Chamber adjudicate on this matter, to the extent it is able, by 18 July 2025. The Prosecution makes this request in order to be able to manage conflicting work obligations should a status conference be scheduled for the week of 21 July 2025.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', written over a horizontal line.

**Mame Mandiaye Niang, Deputy Prosecutor**

Dated this 15<sup>th</sup> day of July 2025

At The Hague, the Netherlands

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<sup>6</sup> Request, para. 2.