

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/21

Date: 27 August 2021

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

Public
With Confidential and Public Redacted Annex I, Confidential *EX PARTE*
Annex II only available to the Registry and Confidential Annex III

Registry Report on Victims' Representations

Source: Registry

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

The Office of the Prosecutor

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Legal Representatives of Victims

Victims' Representatives

States Representatives

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I. Introduction

1. The Registry submits its report on victims' representations pursuant to Pre-Trial Chamber I's "Decision on the 'Registry Request for Extension of Notice Period and Submissions on the Article 15(3) Process'", issued on 17 June 2021 ("Chamber" and "Decision of 17 June 2021", respectively).¹

II. Procedural History

2. On 24 May 2021, the Office of the Prosecutor ("OTP") of the International Criminal Court ("ICC") filed, as 'Secret, *Ex parte*, only available to the Prosecution', the 'Request for authorisation of an investigation pursuant to article 15(3)', requesting judicial authorisation to commence an investigation into the Situation in the Philippines, in relation to crimes within the jurisdiction of the Court allegedly committed on the territory of the Republic of Philippines ("Philippines") between 1 November 2011 and 16 March 2019 in the context of the so-called "War on Drugs" ("WoD") campaign, as well as any other crimes which are sufficiently linked to these events. On 14 June 2021, the OTP filed a public redacted version of its request ("OTP Request").²
3. On 15 June 2021, the Prosecutor issued a public notice inviting victims of crimes allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the Government of the Philippines' WoD campaign to send their views to the ICC on the opening of an investigation.³

¹ Pre-Trial Chamber I, "Decision on the 'Registry Request for Extension of Notice Period and Submissions on the Article 15(3) Process'", 17 June 2021, ICC-01/21-9.

² Office of the Prosecutor, "Public redacted version of 'Request for authorisation of an investigation pursuant to article 15(3)', 24 May 2021, ICC-01/21-7-SECRET-Exp", 14 June 2021, ICC-01/21-7-Red.

³ <https://www.icc-cpi.int/itemsDocuments/20210615-public-notice-to-victims.pdf>.

4. On 15 June 2021, the Registry requested an extension of time for victims to make representations under article 15(3) of the Rome Statute ("Statute") and rule 50(3) of the Rules of Procedure and Evidence ("Rules").⁴
5. In its Decision of 17 June 2021, the Chamber extended the time limit for victims to submit their representations to 13 August 2021 and ordered the Registry to transmit the victims' representations to the Chamber on a rolling basis, together with a brief preliminary assessment, and to submit all victims' representations received and a final consolidated report by 27 August 2021.⁵
6. On 13 July 2021, the Registry informed the Chamber that only two representations had been received so far, with one of them assessed by the Registry as falling outside the scope of the Situation in the Philippines ("Situation"), thus not yet meriting a transmission report. The Registry also proposed to report to the Chamber informally, *via* email, regarding the status of the representations received two weeks later.⁶ On the same day, the Chamber agreed with the Registry's proposal.⁷
7. On 27 July 2021, the Registry informed the Chamber that 39 representations were received to date and asked for guidance on whether to transmit those representations together with a brief preliminary assessment including, *inter alia*, some statistical information on the type of representations received, the languages in which the representations were made, victims' gender, age, ethnicity, locations, and the scope of the alleged crime(s). In the alternative,

⁴ Registry, "Registry's Request for Extension of Notice Period and Submissions on the Article 15(3) Process", 15 June 2021, ICC-01/21-8-Conf. A public redacted version of the document was notified on 16 June 2021, ICC-01/19-8-Red.

⁵ Decision of 17 June 2021, page 6.

⁶ Email from the Victims Participation and Reparations Section ("VPRS") to the Chamber on 13 July 2021, at 8h47. .

⁷ Email from the Chamber to the VPRS on by email of 13 July 2021, at 11h54.

the Registry proposed to transmit on 27 August 2021 all representations received by the deadline of 13 August 2021, together with the Registry's report thereon.⁸

8. On 28 July 2021, the Chamber instructed the Registry to transmit all victims' representations together with the Registry report on 27 August 2021.⁹

9. On 30 July 2021, the Registry forwarded to the Chamber an email received from an interlocutor who enquired whether an extension of the deadline of 13 August 2021 for victims to submit representations would be possible, in light of the new Covid-19 related restrictions imposed in the Philippines at the end of July 2021.¹⁰

10. On 6 August 2021, the Chamber informed the Registry that "taking into account all the relevant considerations, the time limit for the submission of victim representations cannot be extended."¹¹

III. Classification

11. Pursuant to regulation 23*bis*(1) of the Regulations of the Court ("RoC"), Annexes I and III to the present document are classified as "confidential", since they contain sensitive information on the Registry's *modus operandi*. The Registry will file shortly a public redacted version of its report (Annex I). Moreover, Annex II to the present document is classified as "confidential *ex parte*, only available to the Registry", because it contains confidential information that may lead to the identification of potential victims concerned by the Situation.

⁸ Email from the VPRS to the Chamber on 27 July 2021, at 16h56.

⁹ Email from the Chamber to the VPRS on 28 July 2021, at 12h23.

¹⁰ Email from the VPRS to the Chamber on 30 July 2021, at 16h37.

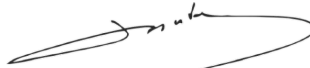
¹¹ Email from the Chamber to the VPRS of 6 August 2021, at 10h41.

IV. Applicable Law

12. The Registry submits the present document in accordance with articles 15(3) and 68(1) of the Statute, rules 16(1) and 85 of the Rules, regulation 23*bis*(1) of the RoC and regulation 102 of the Regulations of the Registry.

V. Submissions

13. The Registry hereby transmits its report on victim representations (Annex I), its assessment of the representations transmitted (Annex II), and a detailed explanation of the criteria applied when conducting the legal assessment of each representation under rule 85 of the Rules (Annex III).



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 27 August 2021

At The Hague, The Netherlands