

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 29 August 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

Public Redacted Version of ICC-01/21-01/25-245-Conf

**Observations on behalf of victims on the Registry's "Report
on Group C Applications for Victims' Participation in Pre-Trial Proceedings"**

Source: Office of Public Counsel for Victims

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

D36

☐ 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. PROCEDURAL BACKGROUND

1. On 17 April 2025, Pre-Trial Chamber I (the “Chamber”) issued the Order on the conduct of confirmation proceedings (the “Order”)¹ adopting, *inter alia*, the procedure for admission of victims to participate in the case as set out in paragraph 96 of the Chambers Practice Manual (the so-called “A-B-C approach”);² and instructing the Registry to transmit the Group C Applications to the Chamber and the parties by 20 August 2025.³

2. On 20 August 2025, the Registry submitted its Report on Group C Applications for Victims’ Participation in Pre-Trial Proceedings (the “Report”).⁴

3. On 21 August 2025, the Chamber, by e-mail, instructed the Office of Public Counsel for Victims (the “OPCV” or the “Office”) to file its response to the Report by 27 August 2025.⁵

II. CLASSIFICATION

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

¹ See the “Order on the conduct of confirmation proceedings” (Pre-Trial Chamber I), [No. ICC-01/21-02/25-144](#), 17 April 2025 (the “Order”).

² *Idem*, para. 55.

³ *Idem*, para. 56.

⁴ See the “Registry Report on Group C Applications for Victims’ participation in Pre-Trial Proceedings”, [No. ICC-01/21-02/25-239-Conf](#), 20 August 2025 (the “Report”). A public redacted version was filed the same day. See [No. ICC-01/21-02/25-239-Red](#).

⁵ See the e-mail communication from the Chamber dated 21 August 2025 at 17:48.

III. OBSERVATIONS ON THE REGISTRY REPORT

1. *On the issues related to the completeness of applications*

5. The Principal Counsel, currently appointed to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect (the “Legal Representative”),⁶ supports the Registry’s recommendations in relation to (i) the proof of identity;⁷ and (ii) the proof of kinship.⁸

6. Indeed, the Registry’s recommendations, which suggest the adoption of a flexible and broad approach regarding the documents needed to prove the identity and kinship of applicants, are in line with the approach constantly taken in the practice of the Court in relation to documents to be provided by victims for their application to be considered complete.⁹ This approach is also in accordance with the *prima facie* standard of proof applicable to victims’ participation.¹⁰

2. *On the scope of the case*

7. At the outset, the Legal Representative notes that the Annexes containing the application forms are heavily redacted, preventing a proper and full assessment of the events. However, she submits that applications in all [REDACTED] sub-categories identified by the Registry in the Report¹¹ should be considered to fall within the scope of the case.

⁶ See the Order, *supra* note 1, paras. 68-69.

⁷ See the Report, *supra* note 4, paras. 27-28.

⁸ *Idem*, paras. 29-30.

⁹ See, for instance, the “Decision establishing the principles applicable to victims’ applications for participation” (Single Judge – Pre-Trial Chamber II), [No. ICC-01/14-01/21-56](#), 16 April 2021, para. 28 referring to the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation” (Pre-Trial Chamber II), [No. ICC-01/14-01/18-141](#), 5 March 2019, paras. 24-25, 33.

¹⁰ See, for instance, the “Decision on the Applications for Participation Filed in Connection with the Investigation in the Democratic Republic of Congo by Applicants a/0189/06 to a/0198/06, a/0200/06 to a/0202/06, a/0204/06 to a/0208/06, a/0210/06 to a/0213/06, a/0215/06 to a/0218/06, a/0219/06, a/0223/06, a/0332/07, a/0334/07 to a/0337/07, a/0001/08, a/0030/08 and a/0031/08 (Pre-Trial Chamber I)”, [No. ICC-01/04-545](#), 4 November 2008, paras. 26-27.

¹¹ [REDACTED].

8. Concerning [REDACTED]¹² for which [REDACTED],¹³ the Legal Representative submits that the causal link with the alleged crimes appears to exist to the relevant standard required at this stage of the proceedings.

9. In this regard, [REDACTED]¹⁴ relates to [REDACTED]. [REDACTED].¹⁵ Therefore, [REDACTED] of the extent of the victimisation.¹⁶

10. Concerning [REDACTED].¹⁷ Moreover, [REDACTED]. Therefore, applications [REDACTED] should also be considered as falling within the scope of the case.

11. In this regard, [REDACTED].¹⁸ Also, in this context, [REDACTED].¹⁹ Therefore, again, [REDACTED] of the extent of the victimisation. This is further confirmed by the fact that, [REDACTED].²⁰ Finally, it is worth noting that [REDACTED];²¹ and that [REDACTED].²²

12. In conclusion, the Legal Representative advocates for a flexible approach in assessing the application forms in light of the [REDACTED]. This approach will indeed take into account the interests of the victims reflecting the true nature and extent of their victimisation and reinforce the victim-centred approach on which the mandate of the Court is based.

¹² [REDACTED].

¹³ [REDACTED].

¹⁴ [REDACTED].

¹⁵ [REDACTED].

¹⁶ See the “Decision on the Yekatom Defence Motion for Additional Details” (Trial Chamber V), [No. ICC-01/14-01/18-585](#), 13 July 2020, paras. 20 and 26; and the “Judgement on the appeal of Mr Thomas Lubanga Dyilo against his conviction” (Appeals Chamber), [No. ICC-01/04-01/06-3121-Red A 5](#), 1 December 2014, paras. 122-123.

¹⁷ [REDACTED].

¹⁸ [REDACTED].

¹⁹ [REDACTED].

²⁰ [REDACTED]. See also, [REDACTED].

²¹ See for instance, [REDACTED].

²² [REDACTED].

Respectfully submitted,

A handwritten signature in black ink, reading "Paolina Massidda". The signature is fluid and cursive, with a horizontal line drawn underneath the name.

Paolina Massidda
Principal Counsel

Dated this 29th day of August 2025

At The Hague, The Netherlands