

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/21-01/25
Date: 2 September 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 Document

**Notification on behalf of Victims on the
“Joint Prosecution and Defence submission on agreed facts”
(ICC-01/21-01/25-259-Conf)**

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

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☐ 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

1. The Principal Counsel of the Office of Public Counsel for Victims (the “OPCV” or the “Office”), appointed to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect (the “Legal Representative”),¹ provides the below notification on the joint submission on agreed facts filed by the Prosecution and the Defence on 1 September 2025.²

2. In accordance with rule 69 of the Rules of Procedure and Evidence (the “Rules”), the interests of the Victims must be taken into account when considering agreements between the Defence and the Prosecutor as to facts or evidence in a given case.³ Said rule provides that “*a Chamber may consider [alleged facts agreed upon by the parties] as being proven, unless the Chamber is of the opinion that a more complete presentation of the alleged facts is required in the interest of justice, in particular the interests of the victims*”.⁴ Accordingly, the relevant chamber may refuse to treat an agreed fact as proven where this would conflict with the interests of the Victims⁵ who must therefore be given a meaningful opportunity to make submissions in relation to agreements on facts or evidence.

3. This reading of rule 69 of the Rules is in line with the established jurisprudence of the Court which has allowed Victims to submit observations on agreed facts

¹ See the “Order on the conduct of confirmation proceedings” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-114](#), 17 April 2025, paras. 68-69.

² See the “Joint Prosecution and Defence submission on agreed fact”, [No. ICC-01/21-01/25-259-Conf](#), 1 September 2025 (the “Joint Submission”). A public redacted version was filed the same day [No. ICC-01/21-01/25-259-Red](#).

³ As noted by the Presiding Judge of Trial Chamber V in the context of the *Yekatom and Ngaïssona* case, “[w]hen deciding if it consider[s] agreed facts as being proven, the Chamber will take into account the views of the representatives of the victims”. See Transcript of Status Conference Hearing (Trial Chamber V), [No. ICC-01/14-01/18-T-012-ENG](#), 9 July 2020, p. 50, lines 11-13.

⁴ See Rule 69 of the Rules of Procedure and Evidence (emphasis added).

⁵ See also, in this respect, *mutatis mutandis*, the general power of a Trial Chamber under article 69(3) of the Rome Statute “to request the submission of all evidence that it considers necessary for the determination of the truth”.

proposed by the parties and required the absence of objections on the part of Victims prior to deciding to treat an agreed fact as proven.⁶

4. Considering the list of agreed facts contained in the submission filed jointly by the Prosecution and the Defence,⁷ the Legal Representative indicates that said list does not negatively impact on the interests of Victims at this juncture.

5. Noting the parties' commitment to resuming efforts to agree on further facts,⁸ the Legal Representative reserves the Victims' right to make observations on any further agreements reached by the parties.

6. The present submission is filed publicly since it does not contain any confidential information.

Respectfully submitted.



Paolina Massidda
Principal Counsel

Dated this 2nd day of September 2025

At The Hague, The Netherlands

⁶ See *e.g.*, the "Decision on the Joint Submission on Agreed Facts" (Trial Chamber V), [No. ICC-01/14-01/18-835](#), 19 January 2021, para. 3; the "Decision on Joint Agreed Facts Submission" (Trial Chamber IX), [No. ICC-02/04-01/15-500](#), 19 July 2016, para. 2; the "Order requesting submissions on the conduct of proceedings pursuant to Rule 140 of the Rules and on modalities of victims' participation at trial" (Trial Chamber VI), [No. ICC-01/04-02/06-507](#), 12 March 2015, para. 14(ii); the "Decision on Prosecution and Defence joint submission on agreed facts" (Trial Chamber VI), [No. ICC-01/04-02/06-662](#), 22 June 2015, para. 4; the "Order setting deadlines for agreements as to facts and evidence and for the filing of expert reports" (Trial Chamber III), [No. ICC-01/05-01/08-872](#), 6 September 2010, para. 20; and the "Decision on agreements between the parties" (Trial Chamber I), [No. ICC-01/04-01/06-1179](#), 20 February 2008, para. 11.

⁷ See the Joint Submission, *supra* note 2.

⁸ *Idem*, para. 4.