

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/21-01/25**
Date: **5 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

Prosecution's response to the "Defence request with respect to Group A participants"

Source: Office of the Prosecutor

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

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☒ Counsel for the Defence

☐ 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
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M. Osvaldo Zavala Giler

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

I. SUBMISSIONS

1. The Prosecution respectfully requests that the Chamber reject the “Defence request with respect to Group A participants” (the “Request”), in which the Defence requests to be notified if certain individuals have applied to participate as victims in this case.¹ The Request fails to demonstrate any good cause to justify a departure from the victims’ admission procedure adopted by the Chamber. Rather, the Request is a vehicle for the Defence to seek to supplement and repeat arguments regarding its prior motion to disqualify the Prosecutor, currently pending before the Appeals Chamber.²

2. The Chamber has adopted the standard procedure for the admission of victims to participate in the proceedings, set out in the Chambers Practice Manual, whereby identifying information on Group A applicants is transmitted by the Registry directly to the Chamber and not provided to the parties for their observations.³ The Appeals Chamber has previously upheld this approach as suitable “to ensure the fairness and expeditiousness of the proceedings while at the same time respecting the rights of both the suspect/accused and the victims.”⁴ In doing so, it confirmed that “victims’ applications are, in principle, not provided for the purpose of allowing the defence to gather information” and that the parties’ access to them may be limited to the extent that this is not “prejudicial to, or inconsistent with, the rights of a suspect or an accused to a fair trial.”⁵

3. The majority of the Request is devoted to advancing arguments related to the Defence’s pending request to disqualify the Prosecutor.⁶ The only discernible submission in support of the Request is its bare and baseless allegation that the “investigation has been contaminated” via the Prosecutor’s supposed “conflicting obligations”.⁷ The Defence fails to explain how any

¹ Defence Request with respect to Group A participants, 2 September 2025, ICC-01/21-01/25-261 (“Request”), para. 4.

² Appeals Chamber, Defence Request to Disqualify Chief Prosecutor Karim Khan, 6 August 2025, ICC-01/21-01/25-226-Conf, paras. 1, 3-4.

³ Order on the conduct of confirmation proceedings, ICC-01/21-01/25-114, 15 April 2025, para. 25; Chambers Practice Manual, Eighth Edition, para. 96(iv)-(vi).

⁴ *The Prosecutor v. Mahamat Said Abdel Kani*, “Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled ‘Decision establishing the principles applicable to victims’ applications for participation’”, 14 September 2021, ICC-01/14-01/21-171 (“Victims Application Appeal”), para. 82.

⁵ Victims’ Applications Appeal, paras. 51, 66.

⁶ The Chamber has cautioned not to use submissions as a vehicle to expend on matters more relevant to separate litigation: see, e.g., Decision on the ‘Urgent Defence Request to Suspend Adjudication on the Defence Request for Interim Release’, 23 July 2025, ICC-01/21-01/25-209, para. 7.

⁷ Request, para. 4.

potential connection between a Group A applicant and a person mentioned in the article 15 submission related to the Prosecutor is relevant to an issue in this case.

II. RELIEF REQUESTED

4. For these reasons, the Prosecution respectfully requests that the Chamber reject the Request.

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

Mame Mandiaye Niang, Deputy Prosecutor

Dated this 5th day of September 2025

At The Hague, the Netherlands