

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/21-01/25
Date: 10 December 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

**Observations on behalf of Victims on the
“Prosecution’s Clarification on the Proposed Scope of the Charges”**

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**

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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 4 July 2025, the Prosecution filed the Document Containing the Charges (the “DCC”)⁴ and on 18 July 2025 the Pre-Confirmation Brief (the “PCB”).⁵

3. On 20 August 2025, the Registry submitted its Report on Group C Applications for Victims’ Participation in Pre-Trial Proceedings (the “Registry Report”).⁶

4. On 27 August 2025, the Office of Public Counsel for Victims (the “OPCV” or the “Office”) submitted its response to the Registry Report (the “OPCV Response”).⁷

5. On 3 December 2025, the Chamber, by e-mail, instructed the Prosecution to clarify, by 8 December 2025, “*whether the scope of the charges it seeks to be confirmed is limited to the specific incidents and murder victims listed in the DCC and the PCB, or whether*

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 ‘Document Containing the Charges’, [No. ICC-01/21/02/25-178 Conf](#), 4 July 2025. A public redacted version [No. ICC-01/21/02/25-178 Red](#) was filed on 22 September 2025 (the “DCC”).

⁵ See the Prosecution’s Pre-Confirmation Brief, [No. ICC-01/21-02/25-201-Conf-Corr](#), 18 July 2025. A public redacted version [No. ICC-01/21-02/25-201-Corr-Red](#) was filed on 22 September 2025 (the “PCB”).

⁶ 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 “Registry Report”). A public redacted version [No. ICC-01/21-02/25-239-Red](#) was filed the same day.

⁷ See the “Observations on behalf of victims on the Registry’s “Report on Group C Applications for Victims’ Participation in Pre-Trial Proceedings”, [No. ICC-01/21-02/25-245 Conf](#), 27 August 2025. A public redacted version [No. ICC-01/21-02/25-245 Red](#) was filed on 29 August 2025 (the “OPCV Response”).

*such incidents and murder victims consist of a non-exhaustive list meant to provide examples of the conduct underlying the charges”.*⁸

6. On 8 December 2025, the Prosecution filed its Clarification⁹ indicating that *“the 49 incidents and 78 victims referenced in its DCC and PCB are intended as a non-exhaustive list”*.¹⁰

II. CLASSIFICATION

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

III. OBSERVATIONS

8. 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”),¹¹ welcomes the Clarification.

9. In this regard, she recalls her previous submissions¹² filed in response to the Registry Report according to which the incidents described in the DCC and in the PCB have to be considered as mere examples of the extent of the victimisation¹³ in light of the wording used by the Prosecution in formulating the charges. Indeed, the Prosecution, while presenting a number of murders and attempted murders, clarifies

⁸ See the e-mail from the Chamber on 3 December 2025 at 11:44.

⁹ See the “Prosecution’s Clarification on the Proposed Scope of the Charges”, [No. ICC-01/21-02/25-330-Conf](#), 8 December 2025 (the “Clarification”).

¹⁰ *Idem*, para. 7.

¹¹ See the Order, *supra* note 1, paras. 68-69.

¹² See the OPCV Response, *supra* note 7, paras. 9-11.

¹³ 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. See also, 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.

that “the actual scale of victimisation was significantly greater, as reflected in the widespread nature of the attack”.¹⁴

10. The DCC also indicates that the attack against the civilian population was carried out pursuant to a State policy to “neutralise” through violent crimes, including murder, alleged criminals in the Philippines who were perceived or alleged to be involved in drug-related and other crimes. The policy was originally developed by Mr Duterte and his co-perpetrators in Davao City and implemented at the local level, and then expanded to the national level in 2016.¹⁵ In this context, the Prosecution again acknowledges that “a significant number of civilians over a broad geographical area and for a prolonged period of time” suffered from the attack,¹⁶ implying that the incidents in the DCC and in the PCB are to be considered as mere examples of the extent of the victimisation. Finally, the Clarification clearly states that during the period covered by the charges the widespread and systematic attack against the civilian population encompassed multiple acts contrary to article 7(1) of the Rome Statute and included hundreds of murders during Mr Duterte’s Mayoral period and thousands of murders during the Suspect’s Presidency.¹⁷

¹⁴ See the DCC, *supra* note 4, p. 44 (emphasis added).

¹⁵ *Idem*, para. 20.

¹⁶ *Idem*, para. 22.

¹⁷ See the Clarification, *supra* note 9, para. 4.

11. This approach is in line with the current practice of Chambers (in particular on the specific figures of the victims),¹⁸ the general established practice in international criminal cases,¹⁹ and takes into account the interests of the victims reflecting the true nature and extent of their victimisation and reinforcing the victim-centred approach on which the mandate of the Court is based.

Respectfully submitted.



Paolina Massidda
Principal Counsel

Dated this 10th day of December 2025.

At The Hague, The Netherlands.

¹⁸ See e.g. the “Decision on the ‘Prosecution’s application to amend the charges’”, [No. ICC-02/05-01/20-626](#) (Pre-Trial Chamber II), 14 March 2022, paras. 15-18. See also, the “Judgment” (Appeals Chamber), [No. ICC-01/04-02/06-2666-Red A A2](#), 30 March 2021, para. 331; and the “Decision on Prosecution Notification regarding the Charges (ICC-01/14-01/21- 262-Red)” (Trial Chamber VI), [No. ICC-01/14-01/21-282](#), 20 April 2022, para. 15.

¹⁹ See e.g. ICTY, *Popović et al.* Case No. IT-05-88-PT, [Decision on Motions Challenging the Indictment pursuant to Rule 72 of the Rules](#) (Trial Chamber), 31 May 2006, para. 35: “The Trial Chamber reiterates the general pleading principle that the Prosecution is not obliged to identify every victim in the indictment where the scale of the crimes renders such a high degree of specificity impractical” (internal references omitted).