

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/21-01/25
Date: 19 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

Submission on Issues related to the Participation of Victims

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

Mr. Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Principal Counsel of the Office of Public Counsel for Victims (the “OPCV”), 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 hereby addresses two discrete issues relevant for the effective participation of Victims in the case.

2. The first issue relates to the possibility for Victims to continue submitting applications forms pending the setting of the date for the start of the confirmation of charges hearing. In this regard, the Legal Representative notes that, in accordance with regulation 86(3) of the Regulations of the Court “[v]ictims *applying for participation in the trial and/or appeal proceedings shall, to the extent possible, make their application to the Registrar before the start of the stage of the proceedings in which they want to participate.*” This provision applies *mutatis mutandis* to the pre-trial stage of the proceedings.

3. The Legal Representative respectfully requests the re-opening of the deadline for accepting applications for participation. This request is based on the postponement *sine die* of the confirmation of charges hearing, the fact that details about the charges were only made public after the original application deadline, and the recent clarification from the Prosecution on the scope of the charges. Re-opening the deadline would allow more Victims to exercise their right to participate in the pre-trial proceedings.

4. Indeed, it appears that the number of Victims deemed eligible for participation by the Registry is unprecedentedly low, especially when compared to other cases involving mass victimisation similar to that alleged in this case.

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 (the “Order”).

5. The second issue relates to the transmission to the OPCV of all the application forms in possession of the Registry. In this regard, the Legal Representative recalls that the Office is appointed to represent the general interest of potential Victims. As constantly interpreted by Chambers, this task entails the provision of advice to Victims on their applications and support in completing applications if needed. Therefore, access to the applications is essential for the Office to fulfil its mandate, especially now that the Prosecution has clarified the scope of the case.

II. PROCEDURAL BACKGROUND

6. On 12 March 2025, following the issuance of a warrant of arrest,² Mr Duterte was surrendered to the Court.

7. On 17 April 2025, the Pre-Trial Chamber I (the “Chamber”) issued an Order on the conduct of the confirmation proceedings, instructing, *inter alia*, the Registry to transmit the applications for participation assessed pursuant to the A-B-C approach by 20 and 27 August 2025, respectively,³ given that the commencement of the confirmation of charges hearing was scheduled for 23 September 2025 (the “Order”).⁴

8. On 20 August 2025, the Registry filed a Report on the organisation of the common legal representation of Victims for the purposes of the confirmation of charges hearing (the “Registry Report on Legal Representation”).⁵

9. On 8 September 2025, the Chamber, by majority, postponed the confirmation of the charges hearing until further notice.⁶

² See the “Warrant of Arrest for Mr Rodrigo Roa Duterte”, [No. ICC-01/21-01/25-83](#), 7 March 2025, reclassified to public on 17 March 2025.

³ See the Order, *supra* note 1, para. 56.

⁴ See the transcript of the hearing held on 14 March 2025, [No. ICC-01/21-01/25-T-002-ENG-ET WT](#).

⁵ See the “Registry Report on the Common Legal Representation of Victims”, [No. ICC-01/21-01/25-236-Conf](#), 20 August 2025. A public redacted version [No. ICC-01/21-01/25-236-Red](#) was filed on 1 September 2025 (the “Registry Report on Legal Representation”).

⁶ See the “Decision postponing the hearing on the confirmation of charges” (Pre-Trial Chamber I), [No. ICC-01/21-01/25-267](#), 8 September 2025.

10. On 22 September 2025, the Prosecution filed a public redacted version of the Document Containing the Charges (the “DCC”)⁷ and of the Pre-Confirmation Brief (the “PCB”).⁸

11. On 30 September 2025, the Registry sought the Chamber’s authorization to reclassify and provide lesser redacted versions of its Reports on the Group A, B, and C victim applicants, in accordance with the public redacted version of the DCC and PCB.⁹ The Chamber granted the request on 18 December 2025.¹⁰

12. On 3 December 2025, the Chamber instructed the Prosecution to provide clarifications regarding the DCC, namely whether the incidents and victims referred to therein are intended as non-exhaustive lists.¹¹

13. On 8 December 2025 the Prosecution provided said clarifications (the Prosecution Clarification”).¹²

III. CLASSIFICATION

14. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present submission is classified as confidential because it refers to one document (the Prosecution Clarification) still classified confidential. However, the Legal Representative indicates that the submission can be reclassified as public as soon as said document is also reclassified as public.¹³

⁷ See the “Public Redacted Version of the “Document Containing the Charges”, 4 July 2025, ICC-01/21-01/25-178-Conf”, [No. ICC-01/21-01/25-178-Red](#), 22 September 2025.

⁸ See the “Public Redacted Version of ‘Corrected Version of “Prosecution’s Pre-Confirmation Brief”, 18 July 2025, ICC-01/21-01/25-201-Conf’, dated 24 July 2025, ICC-01/21-01/25-201-Conf-Corr”, [No. ICC-01/21-01/25-201-Corr-Red](#), 22 September 2025.

⁹ See the Email Request from the Registry dated 30 September 2025 at 10:56.

¹⁰ See the Email Decision from the Chamber dated 18 December 2025 at 10:56.

¹¹ See the Email Communication from the Chamber dated 3 December 2025 at 11:43.

¹² See the “Prosecution’s Clarification on the Proposed Scope of the Charges”, [No. ICC-01/21-01/25-330-Conf](#), 8 December 2025 (the “Prosecution Clarification”).

¹³ See the Email containing the Order of the Chamber dated 18 December 2025 at 15:02 and the Email from the Prosecution requesting reclassification of the Clarification as public dated the same day at 16:41.

IV. SUBMISSIONS

15. The Legal Representative addresses two discrete issues related to the effective participation of Victims in the case.

16. The first issue relates to the possibility for Victims to continue applying for participation in the case before the confirmation of charges hearing. The Legal Representative recalls that the start of the confirmation of charges hearing was originally set for 23 September 2025,¹⁴ and that the Chamber had instructed the Registry to carry out its assessment of application forms, pursuant to the A-B-C approach, by 20 and 27 August 2025.¹⁵ This resulted in a Registry-set cut-off date for applications to be submitted by Victims on 3 August 2025.¹⁶

17. At the time the application process closed, significant details concerning the parameters of the charges remained confidential, preventing potential Victims from determining whether they might qualify. On several occasions, civil society organisations and lawyers representing Victims informed the Office that they are constrained in providing useful and complete information to those individuals with respect to the proceedings against Mr Duterte. More information about the charges became publicly available only in late September 2025 when the Prosecution filed a public redacted version of the DCC and of the PCB. However, at the time the deadline for Victims to submit their applications was long expired.

18. In the Legal Representative's submission, the postponement *sine die* of the confirmation of charges due to the ongoing litigation on Mr Duterte's fitness, coupled with the recent disclosure of additional details about the charges and the very recent clarification from the Prosecution regarding their scope, militate in favour of re-opening of the deadline for Victims to apply for participation in the case. Re-opening

¹⁴ See the transcript of the hearing held on 14 March 2025, [No. ICC-01/21-01/25-T-002-ENG ET WT](#), page. 10.

¹⁵ See the Order, *supra* note 1, para. 66.

¹⁶ See the [Information for Victims – Duterte case](#) published on the ICC's official website.

the deadline is essential to enabling more Victims to fully exercise their rights under the Statute.

19. In fact, regulation 86(3) of the Regulations of the Court mandates that “[v]ictims applying for participation in the trial and/or appeal proceedings shall, to the extent possible, make their application to the Registrar before the start of the stage of the proceedings in which they want to participate.” The same considerations apply *mutatis mutandis* to the pre-trial phase, as the confirmation of the charges represents a major milestone for Victims in their quest for justice. Potential Victims are eager to exercise their right to participate at this stage of the proceedings against Mr Duterte but are currently precluded from being recognized as participants due to the early closure of the application deadline.

20. As noted *supra*, when the deadline to file application forms took effect on 3 August 2025, the public redacted versions of the DCC and of the PCB had not been filed yet, thereby preventing the Registry, local lawyers, and civil society organisations from effectively assisting prospective Victims in applying for participation. As the Registry acknowledged, the “*confidentiality of the DCC has limited the Registry’s ability to inform Stakeholders about the incidents that clearly fall within the scope of the Case.*”¹⁷

21. Despite the subsequent adjournment of the confirmation of charges hearing and the filing of the public redacted versions of the DCC and PCB – with the ensuing publicity of the case details – the deadline for applications was not extended.

22. In addition, two factors strongly support the re-opening of the application deadline, namely (i) no new date has of yet been set for the confirmation of charges hearing; and (ii) the Prosecution Clarification that both the list of 49 incidents and 78 Victims contained in the DCC are non-exhaustive.¹⁸

¹⁷ See the Registry Report on Legal Representation, *supra* note 5, para. 59.

¹⁸ See the Prosecution Clarification, *supra* note 12.

23. Moreover, it appears that currently only 78 Victims were found to qualify for participation in the case,¹⁹ following the A-B-C assessment by the Registry,²⁰ and that only 304 complete applications were received overall.²¹ This number is unprecedentedly low compared to other cases in which mass victimisation – similar to this case – occurred. In addition, Victims of the incidents contained in the DCC were not fully informed about their right to participate due to the confidentiality of most of the information pertaining to the scope of the case. As underlined by the Registry *“the VPRS was not in a position to reach out to victims covered by the charges in order to inform them about their right to participate in the Case.”*²²

24. The second issue relates to the transmission to the OPCV of all the application forms in possession of the Registry. In this regard, the Legal Representative notes that the OPCV is appointed to represent the general interest of potential Victims. This task entails the provision of advice to Victims on their applications and support in completing applications, if needed.²³ Therefore, access to the applications held by the Registry is essential for the Office to fulfil its mandate now that the Prosecution has clarified the scope of the case. This is further supported by the fact that, in recent months, an increasing number of potential Victims have contacted the OPCV requesting assistance. However, the Office was unable to fully assist, due to the confidential nature of the charges until the end of September 2025 and the expiration of the application deadline. Moreover, the OPCV has not been able to discuss

¹⁹ See the “Registry Report on Group A and B Applications for Victim Participation in Pre-Trial Proceedings”, No. ICC-01/21-01/25-247-Conf, 27 August 2025, reclassified as public [No. ICC-01/21-01/25-247](#) on 18 December 2025 (the “Registry Report on Group A and B Applications”), para. 19.

²⁰ See the Registry Report on Legal Representation, *supra* note 5, para. 13.

²¹ See the Registry Report on Group A and B Applications, *supra* note 19, para. 19.

²² *Ibid.*

²³ See the “Decision on Victim's Participation in Proceedings Related to the Situation in Uganda” (Single Judge – Pre-Trial Chamber II), [No. ICC-01/21-01/25-191](#), 12 March 2012, para. 2: *“The issue of legal representation and assistance to victims and victim applicants was also addressed by this Chamber in a series of decisions. In general, the Chamber considered the appointment of a legal representative for the victims allowed to participate at the situation stage to be appropriate but not compulsory. The Chamber requested the Office of Public Counsel for Victims (the “OPCV”) (i) to inform victims ‘having communicated with the Court’ of their rights and prerogatives and (ii) to provide support and assistance to the victims accepted to participate in proceedings, victim applicants and legal representatives for victims in accordance with regulation 81(4) of the Regulations, where necessary upon consultation with the VPRS and the Victims and Witnesses Unit.”*

applications with Victims who had already submitted forms, as it did not have access to their individual applications.

25. This disparity in information hampers effective communication between the OPCV and the Victims it currently represents. It is also unprecedented as, in previous cases, application forms have routinely been shared with the Office when it was appointed as Legal Representative pending a final decision on common legal representation.²⁴ Without access to all relevant and available information about the applicants, the Office's ability to fully represent their interests is unduly limited, particularly in case of dual status individuals.

26. The Chambers' practice on the OPCV accessing the application forms of all applicants when appointed to represent the general interest of potential Victims has been constant.²⁵ In the *Abd-al-Rahman* case, the Single Judge, referring to the Office's role of general support and assistance under regulations 81(4) of the Regulations, indicated that such task – pending the Chamber's determination of the merits of the applications – has to be exercised to the benefit and in the interests of all applicant Victims. Accordingly, the Single Judge considered appropriate *"as a matter of principle for the OPCV to receive all the applications received by the VPRS"*.²⁶ Such practice has been

²⁴ See the "Decision on legal representation of victims and related matters" (Pre-Trial Chamber II), [No. ICC-01/14-01/21-119](#), 9 July 2021, para. 30.

²⁵ *Ibid.*: "For these reasons and, taking into account the inherent difficulties detailed above and that 'appropriate and timely assistance is instrumental to every potential victim's right to meaningfully participate in the proceeding', the Single Judge considers it necessary and appropriate in the circumstances to devise a temporary and provisional arrangement as envisaged under regulation 81(4) of the Regulations of the Court on the involvement of the OPCV, which would be vested with the role of general support and assistance at this stage of the proceedings. Accordingly, the Single Judge assigns the OPCV to represent the collective interests of victims, with a view to protect the interests of, and provide assistance and support to all applicant victims pending completion of the transmission of their applications to the Chamber pursuant to the system devised in the Victims' Participation Decision, and the Chamber's consideration of their merits. The Single Judge stresses the temporary and provisional nature of this assignment and specifies that the OPCV's involvement is limited to the stage between the present decision and the Chamber's eventual decision taken on matters of legal representation at the stage of the determinations of the merits of the victim applications and on the status of victims". See also, the "Decision supplementing the Chamber's first decision on victims' participation and representation and providing additional guidance" (Pre-Trial Chamber II), [No. ICC-02/05-01/20-277](#), 5 February 2021, paras. 15-19.

²⁶ *Idem*, para. 19.

standard procedure²⁷ since the inception of the Office and gives effect to its broad mandate in assisting Victims and Victim applicants.

V. CONCLUSION

27. For the foregoing reasons, the Legal Representative respectfully requests the Chamber

- (i) to re-open the application process for Victims wishing to participate in the confirmation of charges hearing; and
- (ii) to order the Registry to transmit to the OPCV all application forms thus far received.



Paolina Massidda
Principal Counsel

Dated this 19th day of December 2025

At The Hague, The Netherlands

²⁷ See the “Decision on Victim’s Participation in Proceedings Related to the Situation in Uganda” (Single Judge – Pre-Trial Chamber II), [No. ICC-01/21-01/25-191](#), 12 March 2012. See also, the “Public Redacted Version Decision on victims’ applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06” (Single Judge, Pre-Trial Chamber II), [No. ICC-02/04-101](#), 13 August 2007, para. 164: “[I]n the present scenario, in which a number of applicant victims are not yet assisted by a legal representative, the Single Judge is of the view that it is the task of the OPCV, as the office entrusted with providing applicant victims with any support and assistance which may be appropriate at this stage: i) to inform victims “having communicated with the Court” of their rights and prerogatives as outlined in paragraphs 94 and 95 above; ii) in accordance with regulation 81, sub-regulation 4, of the Regulations, to continue to provide support and assistance to victims, legal representatives for victims and applicant victims within the limits of its mandate, and where necessary upon consultation with the VPRS and the Victims and Witnesses Unit.”