

**Original: English****No. ICC-01/21-01/25****Date: 26 January 2026****PRE-TRIAL CHAMBER I****Before:****Judge Iulia Antoanella Motoc, Presiding
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**

Decision on victims' participation and legal representation

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

☒ The Office of the Prosecutor

☒ 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
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

PRE-TRIAL CHAMBER I of the International Criminal Court issues the present ‘Decision on victims’ participation and legal representation’.

I. Procedural history and background

1. On 17 April 2025, the Chamber issued the ‘Order on the conduct of confirmation proceedings’,¹ *inter alia* adopting the principles and procedure governing victim participation, including the procedure for admission of victims to participate in the proceedings pursuant to rule 89 of the Rules of Procedure and Evidence (the ‘Rules’). The Chamber adopted the system for transmission and admission of victim applications, directing the Registry to classify applicants into three categories: (i) applicants who clearly qualify as victims (‘Group A’); (ii) applicants who clearly do not qualify as victims (‘Group B’); and (iii) applicants for whom the Registry could not make a clear determination for any reason (‘Group C’). The Chamber instructed that all applications be assessed on the basis of the charges outlined in the Document Containing the Charges² (‘DCC’) and the Pre-Confirmation Brief³ (‘PCB’).

2. Additionally, in the Order on Conduct of Proceedings, the Chamber considered that, in the present case, ‘the common legal representation of victims strikes an appropriate balance between the resources available to the Court, on the one hand, and the duty to allow victims to participate meaningfully in the proceedings before the Chamber, on the other hand, hence ensuring the effectiveness of the proceedings’. Accordingly, the Chamber instructed the Registry to organise such legal representation and report thereon, while assigning the Office of Public Counsel for Victims (‘OPCV’) ‘to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect’.

3. On 20 August 2025, the Registry submitted a report on the common legal representation of victims,⁴ presenting recommendations on the appointment of legal representatives of victims, and on the monitoring of legal representatives.

¹ [ICC-01/21-01/25-114](#) (the ‘Order on Conduct of Proceedings’).

² Document Containing the Charges, 4 July 2025, ICC-01/21-01/25-178-Conf (public redacted version notified on 22 September 2025, [ICC-01/21-01/25-178-Corr-Red](#)).

³ Prosecution’s Pre-Confirmation Brief, 18 July 2025, ICC-01/21-01/25- 201-Conf (corrected version notified on 24 July 2025, ICC-01/21-01/25-201-Conf-Corr; public redacted version notified on 22 September 2025, [ICC-01/21-01/25-201-Corr-Red](#)), with Confidential annexes A-K.

⁴ Annex 1 (ICC-01/21-01/25-236-Conf-Exp-Anx (confidential redacted version notified on the same day, ICC-01/21-01/25-236-Conf-Anx1-Red; public redacted version notified on 1 September 2025, [ICC-01/21-01/25-236-Anx1-Red](#)) to ‘Registry Report on the Common Legal Representation of Victims’, ICC-01/21-01/25-236-Conf (public redacted version notified on 1 September 2025, [ICC-01/21-01/25-236-Red](#)) (the ‘Report on Legal Representation’).

4. On the same day, the Registry transmitted a sample of ten Group C victim applications,⁵ as well as a report containing its assessment of such applications.⁶
5. On 27 August 2025, the Registry transmitted the Group A and Group B victim applications,⁷ as well as a report containing its assessment of such applications.⁸
6. On the same day, the Chamber also received the observations of the Defence⁹ and the OPCV¹⁰ on the Group C victim applications and on the Registry's Report on Legal Representation. The Prosecution did not submit observations.
7. On 2 September 2025, the Defence submitted the 'Defence Request with respect to Group A Participants',¹¹ to which the Prosecution¹² and the OPCV¹³ responded on 5 and 8 September 2025, respectively.
8. On 8 September 2025, following the 'Defence Request for an Indefinite Adjournment',¹⁴ the Chamber, by majority, Judge María del Socorro Flores Liera dissenting, postponed the hearing on the confirmation of charges until further notice pursuant to rule 121(7) of the Rules.¹⁵

⁵ [Registry Transmission of Group C Applications for Victim Participation in Pre-Trial Proceedings](#), ICC-01/21-01/25-237 with confidential and confidential redacted Annexes 1-10.

⁶ Registry Report on Group C Applications for Victim Participation in Pre-Trial Proceedings, ICC-01/21-01/25-239-Conf-Exp (confidential redacted notified on the same day, ICC-01/21-01/25-239-Conf-Red and [ICC-01/21-01/25-239-Red](#); lesser public redacted version notified on 19 December 2025, [ICC-01/21-01/25-239-Red2](#)) with confidential Annex (the 'Registry Group C Report').

⁷ [Registry Transmission of Group A and B Applications for Victim Participation in Pre-Trial Proceedings](#), ICC-01/21-01/25-246 with confidential *ex parte* Annexes 1-25.

⁸ [Registry Report on Group A and B Applications for Victim Participation in Pre-Trial Proceedings](#), ICC-01/21-01/25-247, with confidential Annex 1 and confidential *ex parte* Annex 2 (the 'Registry Group A and B Report').

⁹ [Defence Observations on the "Registry Report on the Common Legal Representation of Victims" \(ICC-01/21-01/25-236-Conf\)](#), ICC-01/21-01/25-248 (the 'Defence Observations on Report on Legal Representation'); [Defence Observations on the Registry's Report concerning Group C Applications for Victim Participation in Pre-Trial Proceedings](#), ICC-01/21-01/25-250 (the 'Defence Group C Observations').

¹⁰ Observations on behalf of victims on the Registry's "Report on Group C Applications for Victims' Participation in Pre-Trial Proceedings", ICC-01/21-01/25-245-Conf (public redacted version notified on 29 August 2025, [ICC-01/21-01/25-245-Red](#)) (the 'OPCV Group C Observations'); OPCV's Observations on the Registry's Report on Common Legal Representation of Victims, [ICC-01/21-01/25-249](#).

¹¹ [ICC-01/21-01/25-261](#) (the 'Defence Group A Request').

¹² [Prosecution's response to the "Defence request with respect to Group A participants"](#), ICC-01/21-01/25-266.

¹³ Victims' Response to the "Defence request with respect to Group A participants", ICC-01/21-01/25-269-Conf (public redacted version notified on 19 December 2025, [ICC-01/21-01/25-269-Red](#)).

¹⁴ 18 August 2025, ICC-01/21-01/25-230-Conf (public redacted version notified on 11 September 2025, [ICC-01/21-01/25-230-Red](#)), with confidential annexes A and B (the 'Adjournment Request').

¹⁵ [Decision postponing the hearing on the confirmation of charges](#), ICC-01/21-01/25-267; [Dissenting Opinion of Judge María del Socorro Flores Liera](#), ICC-01/21-01/25-267-OPI (the 'Postponement Decision').

9. On 8 December 2025, pursuant to the Chamber's order, the Prosecution clarified that 'the 49 incidents and 78 victims referenced in its DCC and PCB are intended as a non-exhaustive list'.¹⁶

10. On 19 December 2025, the OPCV filed the 'Submission on Issues related to the Participation of Victims',¹⁷ in which it requests the Chamber to (i) 're-open the application process for Victims wishing to participate in the confirmation of charges hearing', considering the postponement of the confirmation hearing 'sine die' and the Prosecution's clarification of the scope of the case; and (ii) 'order the Registry to transmit to the OPCV all application forms thus far received', to allow it to fulfil its mandate of 'provision of advice to Victims on their applications and support in completing applications'.

11. On 26 January 2026, the Chamber rejected the Adjournment Request,¹⁸ deciding *inter alia* to set the date for the commencement of the confirmation of charges hearing on 23 February 2026.

II. Determination

A. Participation

12. Rule 85(a) of the Rules defines victims as 'natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court'. Consistent with the jurisprudence of the Court,¹⁹ the Chamber recalls that victim applications are assessed to determine whether the requirements for participation in the proceedings have been satisfied *prima facie*, and that an applicant qualifies as victim under rule 85(a) of the Rules provided

¹⁶ [Prosecution's Clarification on the Proposed Scope of the Charges](#), ICC-01/21-01/25-330. See also [Defence Response to the Prosecution's Clarification on the Proposed Scope of the Charges](#), 10 December 2025, ICC-01/21-01/25-332; [Observations on behalf of Victims on the "Prosecution's Clarification on the Proposed Scope of the Charges"](#), 10 December 2025, ICC-01/21-01/25-333.

¹⁷ [ICC-01/21-01/25-344](#) (the 'OPCV Request').

¹⁸ Decision on the 'Defence Request for an Indefinite Adjournment' and Mr Duterte's fitness to take part in the pre-trial proceedings, 26 January 2026, ICC-01/21-01/25-356-Conf (public redacted version notified on the same day, ICC-01/21-01/25-356-Red) (the '26 January 2026 Decision').

¹⁹ See e.g. Pre-Trial Chamber II, *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, [Decision on victim applications for participation in the proceedings](#), 7 August 2023, ICC-01/14-01/22-254-Red, para. 21; Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, [Decision establishing the principles applicable to victims' and representation during the Confirmation Hearing](#), 18 January 2021, ICC-02/05-01/20-259, para. 17; Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision regarding the Registry's Outstanding Transmissions of Applications for Victim Participation](#), 13 September 2019, ICC-01/14-01/18-338, para. 28; Pre-Trial Chamber I, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision Establishing the Principles Applicable to Victims' Applications for Participation](#), 24 May 2018, ICC-01/12-01/18-37-tENG, para. 48; Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, [Decision on Victims' Participation and Victims' Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings](#), 4 June 2012, ICC-02/11-01/11-138, para. 20.

that: (i) his or her identity as a natural person appears duly established; (ii) the event(s) described in the application for participation constitute(s) one or more crimes within the jurisdiction of the Court and with which the suspect is charged; and (iii) the applicant has suffered harm as a result of the crime(s) with which the suspect is charged.

1. Group A and B applications

13. The Chamber recalls that, '[b]arring a clear, material error in the Registry's assessment of Groups A and B [applications], the Chamber, taking into account the Registry's assessment [...], will decide. While the Registry's conclusions may be of assistance, it is for the Chamber to ultimately authorise or reject an applicant to participate in the proceedings'.²⁰

14. The Victims Participation and Reparations Section ('VPRS') assessed a total number of 304 applications for participation in the pre-trial proceedings,²¹ and determined that 15 applications, introduced on behalf of 29 individuals, fall under Group A.²² The Chamber, not having identified any clear, material error in the VPRS's assessment, concurs with it, and considers that the minor discrepancies identified by the Registry in certain applications²³ do not affect the overall credibility of the information provided therein. In addition, in light of its determination below,²⁴ the Chamber considers that the 'issues regarding completeness' related to eight of the 15 Group A applications do not render them inadmissible. Accordingly, the Chamber decides to authorise the 29 Group A applicants²⁵ to participate as victims in the present proceedings.

15. Moreover, the Chamber notes that the Defence requests to be notified if any of the Group A applicants are connected to those mentioned in a communication under article 15 of the Rome Statute (the 'Statute') submitted in 2018 to then Prosecutor Fatou Bensouda by Karim Khan on behalf of 'more than 100 victims' in the Philippines Situation.²⁶ The Prosecution and the OPCV oppose this request. The Chamber recalls that, pursuant to rule 89(1) of the Rules and the Court's jurisprudence, the aim of the victims' applications and admission procedure is limited to assist the Chamber to determine if the applicants qualify as victims for the purposes of participation, and not to allow the Defence to gather information for its

²⁰ See [Chambers Practice Manual](#), Eighth Edition, 2024, para. 97(x).

²¹ [Registry Group A and B Report](#), para. 16.

²² [Registry Group A and B Report](#), para. 19.

²³ [Registry Group A and B Report](#), para. 18.

²⁴ See para. 18 below.

²⁵ As identified in ICC-01/21-01/25-247-Conf-Anx1 and ICC-01/21-01/25-247-Conf-Exp-Anx2, pp. 1-2.

²⁶ [Defence Group A Request](#), para. 4.

preparation of the case.²⁷ Moreover, the Chamber considers that the potential connection of some Group A applicants with Prosecutor Karim Khan would not constitute an impediment to their admission to participate in the present case, since any such connection would not have any bearing on the requirements set out under rule 85(a) of the Rules, nor on their assessment by the Chamber. Neither does such potential connection justify providing the information requested by the Defence, considering that, in light of the completion of the disclosure process and the limited number of victims listed in the DCC and the PCB, disclosing the requested information may result in imposing unnecessary risks to the security of victims. In light of these considerations, the Chamber finds that the Defence Group A Request shall be rejected.

16. The VPRS has further determined that 10 victim applications belong to Group B as ‘clearly falling outside the temporal and/or material scope of the *Duterte* case’. The Chamber has not identified any clear, material error in the Registry’s assessment,²⁸ and therefore decides not to authorise the applicants related to the 10 Group B applications²⁹ to participate as victims in the present proceedings.

2. *Group C applications*

17. The VPRS presented a sample of 10 Group C applications,³⁰ noting that ‘applications may contain minor discrepancies’: the Chamber considers that they do not affect the overall credibility of the information provided therein, and therefore validates the flexible approach adopted by the VPRS.³¹

18. With regard to the completeness of Group C applications, the VPRS seeks clarification from the Chamber on whether a number of documents encountered in victim application forms, declarations or sworn statements certified by certain authorities, as well as declarations signed by two witnesses and accompanied by the identity documents of such witnesses, can be used as proof of identity and proof of kinship.³² The Chamber notes that the documents identified by the VPRS ‘are issued by public authorities, contain their stamps and signatures and/or are sufficiently close in format and scope to the documents previously approved by the Chamber’,

²⁷ Appeals Chamber, *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, paras 50-51.

²⁸ ICC-01/21-01/25-247-Conf-Exp-Anx2, p. 3.

²⁹ As identified in ICC-01/21-01/25-247-Conf-Anx1 and ICC-01/21-01/25-247-Conf-Exp-Anx2, p. 3.

³⁰ The Chamber understands that the total number of Group C applicants is 275 (see [Report on Legal Representation](#), para. 23).

³¹ [Registry Group C Report](#), para. 25.

³² [Registry Group C Report](#), paras 27-30.

or ‘certified by a lawyer from the Public Attorney’s Office, by a prosecutor from the Public Prosecutor Office or by a public notary’. In addition, the Chamber is persuaded by the VPRS’s recommendation as to declarations signed by two witnesses, accompanied by copies of their identity documents, as proof of kinship.³³ Consistently with the flexible approach adopted by several Chambers with respect to the documentary requirements for participation,³⁴ the Chamber approves the documents mentioned by the VPRS as sufficient proof of identity and kinship in line with its recommendations at paragraphs 27 to 30 of the Registry Group C Report.

19. The VPRS further submits that it has ‘assessed *prima facie* as group C all applicants reporting murders and attempted murders committed in the Philippines, in the context of the [war on drugs], from at least 1 November 2011 to 16 March 2019, *that are not related to the 78 victims of murder or attempted murder listed in the DCC*’ (emphasis added) and ‘divided group C applications into the following categories’:

- i. Applications reporting murders or attempted murders not covered by the DCC, committed from at least 1 November 2011 to 30 June 2016 (mayoral period) in Davao (in or around Davao City) (“Category 1 applications”);
- ii. Applications reporting murders or attempted murders not covered by the DCC, committed from at least 1 November 2011 to 30 June 2016 (mayoral period) in regions of the Philippines other than “in or around Davao City” (“Category 2 applications”);
- iii. Applications reporting murders or attempted murders not covered by the DCC, committed from at least 30 June 2016 to 16 March 2019 (presidential period), across the Philippines (“Category 3 applications”); and
- iv. Applications reporting murders or attempted murders committed during one of the 49 incidents listed in the DCC, when the direct victim of the crimes is not mentioned in the DCC, but sufficient information (name or other identifying information) is included in the PCB (“Category 4 applications”).³⁵

20. The VPRS seeks ‘[c]lear guidance from the Chamber on whether the above categories fall within the scope of the [c]ase’. Whilst in the view of the OPCV ‘applications in all [...] sub-categories [...] should be considered to fall within the scope of the case’,³⁶ the Defence

³³ [Registry Group C Report](#), para. 30.

³⁴ See e.g. Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, [Decision establishing the principles applicable to victims’ applications for participation](#), 16 April 2021, ICC-01/14-01/21-56, para. 28; Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)*, [Decision establishing the principles applicable to victims’ and representation during the Confirmation Hearing](#), 18 January 2021, ICC-02/05-01/20-259, para. 19; Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaissona*, [Decision Establishing the Principles Applicable to Victims’ Applications for Participation](#), 5 March 2019, ICC-01/14-01/18-141, paras 24-25, 33; Pre-Trial Chamber I, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision Establishing the Principles Applicable to Victims’ Applications for Participation](#), 24 May 2018, ICC-01/12-01/18-37-tENG, paras 31, 49.

³⁵ [Registry Group C Report](#), para. 33.

³⁶ [OPCV Group C Observations](#), paras 7-12.

submits *inter alia* that ‘for participation in the case to be allowed, the applicant must [...] show that the harm alleged is attributable to the 49 crimes of murder or attempted murder charged in the [DCC]’.³⁷

21. As stated,³⁸ one of the requirements for applicants to qualify as victims under rule 85(a) of the Rules consists in having suffered harm as a result of the crime(s) with which the suspect is charged. Such requirement, interpreted consistently with the Appeals Chamber’s jurisprudence,³⁹ indicates that applicants shall *prima facie* demonstrate the existence of a link between the events described in the application form and the temporal, geographic and material scope of the case as brought against the suspect by the Prosecution. If the harm alleged by the applicant does not fall within the scope of the case as set by the Prosecution in Counts 1 to 3 of the DCC, and in the related parts of the PCB, such harm is therefore remote in relation to the alleged crimes and the application for participation shall be rejected for not meeting the requirements of rule 85(a) of the Rules.

22. Noting that, at this stage of the proceedings, the scope of the case brought by the Prosecution against the suspect is delineated by its DCC and PCB, and considering the Prosecution’s clarification that the incidents and victims listed in the DCC and the PCB represent a non-exhaustive list of examples of the conduct underlying the charges, the Chamber considers that the Group C applications belonging to Category 1 relate to an alleged harm that falls within the scope of Count 1 of the DCC, while Categories 3 and 4 applications relate to an alleged harm that falls within the scope of Count 2 or 3 of the DCC. Accordingly, Group C applicants belonging to Categories 1, 3 and 4⁴⁰ are admitted to participate as victims in the present proceedings.

23. However, Group C applications belonging to Category 2 do not show the existence of the required link between the events and the harm recounted therein, and the scope of the case as set out in the DCC and the PCB, in particular because the alleged harm was suffered outside the territorial scope of Count 1 as well as outside the temporal scope of Counts 2 and 3. Accordingly, the Chamber finds that, at this stage, these applications cannot be retained for the purposes of admitting victims to participate in the current proceedings.

³⁷ [Defence Group C Observations](#), para. 3.

³⁸ See para. 12 above.

³⁹ Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgement on the appeals of The Prosecutor and The Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008](#), ICC-01/04-01/06-1432, paras 53-65.

⁴⁰ As listed in ICC-01/21-01/25-239-Conf-Anx.

24. These findings, limited to establishing whether or not applicants have demonstrated the conditions of rule 85(a) of the Rules on the basis of the available information, is without prejudice to the Chamber's eventual determination on the scope of the present case, and on whether the DCC complies with the relevant legal requirements of clarity and precision. In addition, noting that 'it is paramount for victims to receive clear and timely information on the scope of the Duterte case in order to be able to make an informed decision about whether they wish to submit an application for participation' and that 'victims prefer to apply for participation at a later stage once they know the scope of the charges against Mr Duterte',⁴¹ the Chamber recalls that the present decision is also without prejudice to rule 86(2) of the Rules, pursuant to which '[a] victim whose application has been rejected may file a new application later in the proceedings'.

B. Legal representation

25. In the Report on Legal Representation, the Registry indicates that it has undertaken a number of activities to inform victims about the present case, support the victim application process, and collect information. After providing a list outlining the choice of counsel by the applicants, the Registry:

- a. Recommends one team of common legal representatives for all victims considering that a great majority of victims and civil society organisations did not express any concern about being represented in a single group and overwhelmingly favoured a one team approach.⁴² Furthermore, the Registry did not identify any conflict or divergent interests between victims that would warrant their separation into different groups under rule 90(4) of the Rules;⁴³ and
- b. Recommends two options for representation: (i) if participation is limited to applicants linked to the 78 direct victims covered by the DCC, the Registry recommends appointing Mr Joel Butuyan ('Mr Butuyan') and Mr Gilbert Andres ('Mr Andres'), designated by a majority of the Group A applicants as their legal representatives, as the common legal representatives of the victims;⁴⁴ (ii) if participation is broader, the

⁴¹ [Registry Group C Report](#), paras 20, 23 and footnote 30.

⁴² [Report on Legal Representation](#), paras 47-49.

⁴³ [Report on Legal Representation](#), paras 63-67.

⁴⁴ [Report on Legal Representation](#), paras 19, 22, 70-72.

Registry recommends integrating a counsel from the OPCV to the above team of common legal representatives of victims.⁴⁵

26. The Chamber recalls that, pursuant to article 68(3) of the Statute and rule 90 of the Rules, it must guarantee the victims' right to present their views and concerns where their personal interests are affected, in a manner which is not inconsistent with or prejudicial to the rights of the Defence, and that such views and concerns may be presented by legal representatives. The Chamber further recalls rule 90(4) of the Rules, which provides, *inter alia*, that the Chamber shall take all reasonable steps to ensure that, in the selection of common legal representatives, any conflict of interest is avoided.

27. The Chamber recalls that it deemed common legal representation as appropriate for this case and, in light of the Report on Legal Representation, considers that this finding remains valid.⁴⁶ More specifically, the Chamber understands from the Report that the Registry (i) confirms that common legal representation is feasible; and (ii) has not identified conflicting or diverging interests which would weigh against a common legal representation of victims in this case. The Chamber also observes that the Registry expects that participating victims will rely exclusively on the assistance provided under the Court's legal aid scheme and that, in case of several common legal representatives of victims being appointed in one case, the total monthly remuneration as foreseen under the Legal Aid Policy would be shared among them.

28. The Chamber notes that, according to the Registry, the majority of Group A and C victim applicants wish to be represented by Mr Butuyan and/or Mr Andres, or the OPCV. Mr Butuyan and Mr Andres are both on the Court's List of Counsel and indicate that they did not identify any conflict of interest.⁴⁷ Therefore, the Chamber finds that they are eligible to be appointed as legal representatives of the victims.

29. The Chamber also notes that Mr Butuyan, Mr Andres and the OPCV have confirmed their availability and willingness to work collaboratively with any other legal representative.⁴⁸ The Chamber further observes that Mr Butuyan and Mr Andres' competence, nationality, familiarity with the context of the commission of the alleged crimes, understanding of the victims' situation and ability to meet with them in person in a language that they understand, represent some of the key qualities that applicant victims expect from their representatives.⁴⁹

⁴⁵ [Report on Legal Representation](#), paras 73-74.

⁴⁶ [Order on Conduct of Proceedings](#), para. 65.

⁴⁷ See Annex II to Report on Legal Representation.

⁴⁸ See Annex II to Report on Legal Representation.

⁴⁹ [Report on Legal Representation](#), paras 29-35.

With regard to their presence in the field and proximity with victims, they indicate that, should they be appointed, their team would be composed of, *inter alia*, two field assistants, who shall: (i) act as intermediary, facilitating communication between the legal representatives and victims in the field; and (ii) support the team in gathering information, understanding the local context, ensuring effective communication with victims, as well as provide research support when necessary. The Chamber considers that this proposed organisation shows that Mr Butuyan and Mr Andres have an appropriate understanding of the roles of the legal representatives of victims and would allow proper communication between the legal representatives and victims, in line with their duty under article 15(1) of the Code of Professional Conduct for Counsel.

30. The Defence submits that it will object to the involvement of any common legal representative who has ‘accused Mr Duterte’s “camp” of fuelling online hatred and judicial trolling’ or has ‘persistently criticized defence strategy in media interviews, voiced denigratory slurs concerning Counsel, expressed preconceived views as to Mr Duterte’s guilt or derogatory comments on his character’.⁵⁰ In this regard, the Chamber recalls that, according to rule 90 of the Rules, ‘victim[s] shall be free to choose a legal representative’ and that Mr Butuyan and Mr Andres are eligible to be appointed as legal representatives of the victims. The Chamber considers that the public views purportedly expressed by potential legal representatives of victims are only relevant insofar as they impact their ability to represent the interests of the victims or to comply with their obligations under the Code of Professional Conduct for Counsel. In the present case, the Chamber has identified no ‘inappropriate conduct’, as alleged by the Defence, that would impact the Chamber’s determination on the eligibility of Mr Butuyan and Mr Andres for appointment as legal representatives of the victims.

31. In light of the above, and considering the finding on the scope of victims’ participation in the present case,⁵¹ the Chamber considers the Registry’s recommendation to include a counsel from the OPCV in the team of common legal representatives as appropriate. Accordingly, the Chamber instructs the Registry to appoint Mr Butuyan, Mr Andres, and a counsel of the OPCV to be determined by the Registry in consultation with the OPCV, as common legal representatives of any admitted victims in the present case (the ‘Common Legal Representatives of Victims’). The mandate of the Common Legal Representatives of Victims

⁵⁰ [Defence Observations on Report on Legal Representation](#), paras 4-5.

⁵¹ See paras 21-24 above.

shall take effect upon the issuance of this decision, and the Registry shall notify their appointments to the Chamber and the parties as soon as possible.

32. With regard to the organisation of the Common Legal Representatives of Victims, having taken note of the issues regarding the efficient representation of victims' interests before the Court and the communication with victims raised in the Report on Legal Representation, the Chamber recalls that it is the duty of the Common Legal Representatives of Victims to ensure that any organisational matters are addressed in a way that allows them to effectively represent the interests of any admitted victims pursuant to their obligations under the Code of Professional Conduct for Counsel. The Chamber does not therefore deem it necessary to 'be regularly updated on whether there is sufficient communication between counsel and their clients' or implement any additional related measures, as proposed by the Registry,⁵² at present. The Common Legal Representatives of Victims should nonetheless be organised in such a way so as to ensure the security of their team and the victims they represent, in accordance with the suggestions set out by the Registry in the Report on Legal Representation.⁵³

33. As the Common Legal Representatives of Victims will take on their duties immediately upon the issuance of the present decision, the Chamber, pursuant to rule 121(10) of the Rules: (i) grants the Common Legal Representatives of Victims access to the record of the proceedings containing all filings, decisions, transcripts of hearing, and items of evidence disclosed or made available, with the exception of those classified as *ex parte*, only available to or held in the presence of the Prosecution, the Defence, another participant and/or the Registry; and (ii) instructs the Registry to notify the Common Legal Representatives of Victims of all public and confidential documents, decisions, and transcripts contained in the record, with the exception of those classified as *ex parte*, only available to or held in the presence of the Prosecution, the Defence, another participant and/or the Registry. The Common Legal Representatives of Victims are specifically instructed not to disclose any confidential information related to the litigation regarding Mr Duterte's fitness to their clients.

C. OPCV Request

34. With regard to the OPCV Request to re-open the application process for victims' participation, while mindful of the importance of meaningful participation of victims at all stages of the proceedings, the Chamber recalls its obligation under article 68(3) of the Statute

⁵² [Report on Legal Representation](#), paras 77-78.

⁵³ [Report on Legal Representation](#), paras 68-69.

to ensure that such participation shall be effected ‘in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial’.

35. In this regard, the Chamber recalls that, in the 26 January 2026 Decision, noting that the postponement of the hearing on the confirmation of charges was ‘limited to the time strictly necessary to determine whether Mr Duterte is fit to follow and participate in the pre-trial proceedings’,⁵⁴ the Chamber decided that the hearing on the confirmation of charges would commence on 23 February 2026.⁵⁵ The Chamber further notes that the OPCV Request was filed more than three months after the decision postponing the hearing on the confirmation of charges. Moreover, the Chamber considers that, at this stage of the proceedings, the applicants admitted to participate appropriately represent the harms suffered as a consequence of the crimes charged in the DCC and that any additional applications may be considered at a later stage, should the charges be confirmed and the suspect be committed to trial. Therefore, the Chamber finds that further delaying the proceedings to consider the participation of additional victim applicants would disproportionately affect the rights of the suspect under article 67 of the Statute and the right of victims to expeditious proceedings. Consequently, the Chamber rejects the OPCV Request to re-open the application process for victims’ participation.

36. Regarding the request to order the Registry to transmit to the OPCV all application forms received thus far, the Chamber recalls that the OPCV was appointed ‘to represent the collective interests of potential victims until the mandate of the team of common legal representatives takes effect’.⁵⁶ The mandate of the Common Legal Representatives of Victims taking effect upon the issuance of the present decision,⁵⁷ the Chamber considers that this part of the OPCV Request is moot.

⁵⁴ [Postponement Decision](#), para. 8.

⁵⁵ See 26 January 2026 Decision.

⁵⁶ [Order on Conduct of Proceedings](#), para. 69.

⁵⁷ See para. 31 above.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Defence Group A Request;

REJECTS the OPCV Request;

AUTHORISES the participation in the present proceedings of the Group A and C victims indicated at paragraphs 14 and 22 above;

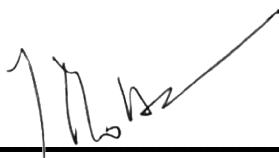
DECIDES to reject the Group B applications as indicated at paragraph 16 above, and the Group C applications as indicated at paragraph 23 above;

INSTRUCTS the Registry to appoint Mr Joel Butuyan, Mr Gilbert Andres, and a counsel from the OPCV, as the common legal representatives for any admitted victims, in accordance with paragraph 31 above;

GRANTS the Common Legal Representatives of Victims access to the record of the proceedings as indicated at paragraph 33 above; and

INSTRUCTS the Registry to notify the Common Legal Representatives of Victims of all relevant documents as indicated at paragraph 33 above.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc, Presiding



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Monday, 26 January 2026

At The Hague, The Netherlands