

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 15 May 2026

**TRIAL CHAMBER III**

**Before:** Judge Joanna Korner, Presiding Judge  
Judge Keebong Paek  
Judge Nicolas Guillou

**SITUATION IN THE REPUBLIC OF THE PHILIPPINES**

***IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE***

**Public**

**Submissions on behalf of Victims on the matters identified  
in the “Order Scheduling First Status Conference”**

**Source:** Common Legal Representatives of 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  
V50

☐ 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

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Registrar  
M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and  
Reparations Section

☐ Other

## I. PROCEDURAL BACKGROUND

1. On 24 April 2026, the Presidency, following the issuance of the Decision confirming the charges,<sup>1</sup> constituted Trial Chamber III (the “Chamber”) and transmitted to it the record of the case.<sup>2</sup>

2. On 29 April 2026, the Chamber notified the election of the Presiding Judge.<sup>3</sup>

3. On 30 April 2026, the Chamber issued the “Order Scheduling First Status Conference” (the “Order”),<sup>4</sup> setting the hearing for 27 May 2026;<sup>5</sup> and instructing the parties and participants to file, by 15 May 2026, their submissions on the following matters in preparation for trial:

A. Commencement date of the trial.

B. Anticipated evidence. The Chamber addresses this item primarily to the Prosecution. The Defence is not obligated to provide this information at this stage unless it so desires.

(1) Estimated number of witnesses to be called and number of hours of in-court testimony;

(2) Use of expert witnesses;

(3) Testimony given by audio or video link;

(4) Estimated volume of documentary and other non-testimonial evidence to be relied upon at trial; and

(5) Use of Rule 68 of the Rules.

C. Agreed facts under Rule 69 of the Rules.

D. Languages to be used by the parties, participants, and the witnesses whom the parties intend to call.

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<sup>1</sup> See the “Decision on the confirmation of charges against Mr Rodrigo Roa Duterte” (Pre-Trial Chamber I), No. ICC-01/21-01/25-417-Conf, 23 April 2026 (the “Confirmation Decision”). A public redated version [No. ICC-01/21-01/25-417-Red](#) was filed on the same day.

<sup>2</sup> See the “Decision [sic] constitution Trial Chamber III and referring to it the case of *The Prosecutor v. Rodrigo Roa Duterte*” (Presidency), [No. ICC-01/21-01/25-420](#), 24 April 2026.

<sup>3</sup> See the “Decision notifying the election of the Presiding Judge” (Trial Chamber III), [No. ICC-01/21-01/25-421](#), 29 April 2026.

<sup>4</sup> See the “Order Scheduling First Status Conference” (Trial Chamber III), [No. ICC-01/21-01/25-422](#), 30 April 2026 (the “Order”).

<sup>5</sup> *Ibid.*

E. Disclosure of outstanding material in the Prosecution's possession and related issues:

- (1) Whether the Prosecution's investigations are still ongoing;
- (2) Timing and volume of disclosure of outstanding evidence pursuant to Article 67(2) of the Statute and Rules 76 and 77 of the Rules;
- (3) Transcription and translation issues;
- (4) Protective measures for witnesses (including additional need for redactions, delayed disclosure or referrals to the Court's witness protection programme);
- (5) Disclosure of witnesses' identities which have been withheld from the Defence; and
- (6) Disclosure of material obtained pursuant to Article 54(3)(e) of the Statute.

F. Disclosure by the Defence, including whether the Defence intends to advance a defence in accordance with Rules 79 and 80 of the Rules.

G. Provision of trial briefs.

H. Motions requiring resolution prior to the commencement of trial.

I. Estimated length of opening statements.

J. Update and forecast on additional applications by victims to participate in the proceedings.<sup>6</sup>

4. In addition, the Chamber indicated that the parties and participants "*may express their wish to add agenda items to the abovementioned list and indicate whether, in their view, any portion(s) of the status conference should be held ex parte*".<sup>7</sup> It further instructed that "[s]hould the parties and participants know of any matters which may delay the start of the trial or which should be resolved before the status conference, they should promptly bring these to the Chamber's attention".<sup>8</sup>

5. Pursuant to the Order, the Common Legal Representatives of the Victims (the "CLRV") submit their observations on the matters identified by the Chamber.

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<sup>6</sup> The Registry was ordered to make submissions on points D. E.(4) and J. See the Order, *supra* note 4, para. 2.

<sup>7</sup> See the Order, *supra* note 4, para. 3.

<sup>8</sup> *Ibid.*, para. 4.

## II. SUBMISSIONS

### *Matters under Item A - Commencement of the trial*

6. Victims have consistently conveyed their wish for the trial to start as soon as practicable. Throughout meetings with the CLRV, the Victims reiterated the importance of expeditious trial proceedings and voiced their firm opposition to any delay in the commencement of the trial.

7. Taking into account the right of the Victims to expeditious proceedings, of the Accused to be tried promptly and of new potential victims to be afforded a reasonable time to apply for participation in the proceedings, the CLRV consider it feasible for the trial to start at the beginning of September 2026.

### *Matters under Item B - Anticipated evidence*

8. The CLRV will only be in a position to assess whether they wish to seek authorisation to present evidence, including to call witnesses in the proceedings, at a later stage, as this assessment will be closely contingent upon the Prosecution's presentation of evidence and the relevant interests of the victims.

9. Therefore, they request the Chamber to follow the well-established practice before the Court,<sup>9</sup> and allow the legal representatives of victims to request leave to

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<sup>9</sup> See the "Decision on the request by victims a/0225/06, a/0229/06 and a/0270/07 to express their views and concerns in person and to present evidence during the trial" (Trial Chamber I), [No. ICC-01/04-01/06-2032-Anx](#), 26 June 2009, paras. 17 and 25-27. See also, the "Decision on the supplemented applications by the legal representatives of victims to present evidence and the views and concerns of victims" (Trial Chamber III), [No. ICC-01/05-01/08-2138](#), 22 February 2012, para. 20; the "Decision on victims' representation and participation" (Trial Chamber V), [No. ICC-01/09-01/11-460](#), 3 October 2012, paras. 56-58; the "Decision on victims' representation and participation" (Trial Chamber V), [No. ICC-01/09-02/11-498](#), 3 October 2012, paras. 55-57; and the "Decision on the participation of victims in the trial proceedings" (Trial Chamber IV), [No. ICC-02/05-03/09-545](#), 20 March 2014, paras. 22-41.

present evidence and/or views and concerns of victims at the close of the Prosecution case.<sup>10</sup>

### *Matters under Item C - Agreed facts*

10. The requirement to afford due consideration to the interests of the Victims with regard to any agreement between the parties as to facts or evidence in a given case is clearly reflected in rule 69 of the Rules of Procedure and Evidence (the “Rules”). Pursuant to said provision, the *“Chamber may consider such alleged fact 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”*.<sup>11</sup> Accordingly, no agreement between the parties may become effective and binding in a manner detrimental to the Victims’ interests. Furthermore, article 69(3) of the Statute empowers the Trial Chamber *“to request the submission of all evidence that it considers necessary for the determination of the truth”*. This reading of rule 69 is also supported by the jurisprudence of the Court.<sup>12</sup>

11. Therefore, the Victims should have an opportunity to express their views and concerns on proposed agreed facts before the Chamber’s ruling on whether it accepts them as proven or whether a more complete presentation of the alleged facts is required in the interests of justice.<sup>13</sup>

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<sup>10</sup> See e.g., the “Directions on the conduct of the proceedings” (Trial Chamber I), [No. ICC-02/05-01/20](#), 4 October 2021, paras. 19(ii) and 21; the “Initial Directions on the Conduct of the Proceedings” (Trial Chamber V, Presiding Judge), [No. ICC-01/14-01/18-631](#), 26 August 2020, para. 16; and the “Further Directions on the Conduct of the Proceedings (Presentation of Evidence by the CLRV and the Defence)” (Trial Chamber V), [No. ICC-01/14-01/18-1892](#), 29 May 2023, paras. 11-12.

<sup>11</sup> See rule 69 of the Rules (emphasis added).

<sup>12</sup> See the “Decision on agreements between the parties” (Trial Chamber I), [No. ICC-01/04-01/06-1179](#), 20 February 2008, para. 11. See also, *inter alia*, the “Notification on behalf of Applicant Victims on the ‘Joint Prosecution and Defence submission on agreed facts’”, [No. ICC-02/05-01/20-304](#), 16 March 2021; the “Notification on behalf of Applicant Victims on the ‘Second Joint Prosecution and Defence submission on agreed facts’”, [No. ICC-02/05-01/20-352](#), 19 April 2021; and the “Notification on behalf of Applicant Victims [sic] on the ‘Third Joint Prosecution and Defence submission on agreed facts’”, [No. ICC-02/05-01/20-514](#), 9 November 2021.

<sup>13</sup> See rule 69 of the Rules.

12. This approach is in line with the legal framework of the Court. It enables victims to comprehend issues covered by any agreements between the parties and to assess the potential impact such agreements may have on their interests, as well as on the proceedings as a whole. Notification of such agreements to victims prior to any determination by the Chamber on their merits would also enhance their effective and meaningful participation at trial. Lastly, affording victims the possibility to submit their views and concerns in relation to agreed facts would also contribute to the overall fairness of the proceedings. While the CLRV do not consider it necessary to be involved in discussions amongst the parties, any agreement reached under rule 69 should nonetheless be timely notified to them for observations.

*Matters under Item D - Languages to be used at trial*

13. The CLRV inform the Chamber that the languages spoken by the Victims are Tagalog and Cebuano. While some Victims may understand and speak English, they are more comfortable communicating in Tagalog or Cebuano, particularly when recounting traumatic experiences. Allowing the use of these languages is important to ensure accurate communication of Victims' experiences, particularly where nuances, cultural context, or emotionally sensitive testimony may not be fully conveyed in English.

14. In this regard, providing Tagalog and Cebuano interpretation during the trial is also essential to ensuring that Victims and their families can fully understand and participate in the legal process, and follow legal decisions that directly affect their pursuit of justice. It also promotes fairness, transparency, and respect for human rights by ensuring that language barriers do not prevent Victims from being heard. Providing Tagalog and Cebuano interpretation acknowledges the dignity of Victims and strengthens confidence in the integrity and accessibility of the judicial process.

15. While the CLRV will use English throughout the proceedings, they respectfully request authorization to exceptionally address the Chamber in Tagalog where specific

circumstances so require in the interests of the Victims they represent. For instance, such an arrangement may be warranted for portions of the opening statements or during the questioning of a particularly vulnerable witness. Such a measure would significantly enhance the ability of Victims in the Philippines to follow and relate to the proceedings; support their effective participation, safeguard their right to be heard, and promote the fairness and accessibility of the trial within the affected communities.

***Matters under Items E, F - Disclosure by the parties - and H - Motions prior to trial***

16. The CLRV have no submissions on matters under E, F and H. However, they respectfully request to be granted the floor during the status conference to respond to submissions of the parties, should these directly affect the interests of the Victims.

***Matters under Item G - Trial Briefs***

17. Concerning the filing of trial briefs, the CLRV note the practice in previous cases of authorising legal representatives to file their own briefs, should they wish to do so.<sup>14</sup> They see no reason to depart from the procedure followed in previous instances.

***Matters under Item I - Opening statements***

18. The opening statements represent a unique opportunity for the Victims to convey their views and concerns to the Chamber, and particularly to explain the reasons for and importance of their participation in the proceedings.

19. With regard to the length of opening statements, the CLRV estimate that a total of three hours will be sufficient to present the views and concerns of the Victims they represent. As in previous cases, the CLRV respectfully request that the Chamber afford

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<sup>14</sup> See the “Decision Setting the Commencement Date of the Trial” (Trial Chamber IX), [No. ICC-02/04-01/15-449](#), 30 May 2016, para. 8. See also, the “Decision Setting the Commencement Date of the Trial” (Trial Chamber V), [No. ICC-01/14-01/18-589](#), 16 July 2020 (the “*Yekatom & Ngaïssona* Decision Setting the Commencement Date of the Trial”), para. 16; and the “Directions on the conduct of proceedings” (Trial Chamber I), [No. ICC-02/05-01/20-478](#), 4 October 2021 (the “*Abd-Al-Rahman* Directions on the Conduct of Proceedings”), para. 9.



them the flexibility to deliver their opening statements either at the commencement of the trial or immediately prior to the presentation of any evidence they may seek to adduce. The CLRV undertake to inform the Chamber, no later than 15 days prior to the commencement of trial, whether they intend to present their opening statements at that stage.

20. The CLRV respectfully request that the Chamber follow the procedure adopted in previous cases, pursuant to which participants are directed, prior to the start of the trial, to disclose copies of any material they intend to rely on during their opening statements, unless such material already appears on the Prosecution's list of evidence.<sup>15</sup> Participants are ordinarily afforded the opportunity to submit written objections in relation to such material, where appropriate.<sup>16</sup> The CLRV respectfully request that they similarly benefit from such disclosure and from the opportunity to raise objections, where necessary to preserve the interests of their clients.

#### *Matters under Item J - Additional applications by Victims*

21. As regards an update and forecast on additional applications by Victims to participate in the proceedings, the CLRV note that the public redacted version of the Document Containing the Charges<sup>17</sup> and the Prosecution's Pre-Confirmation Brief,<sup>18</sup> were published at a late stage. At the same time, the cut-off date for the submission of applications was set early,<sup>19</sup> with the Registry accepting applications from Victims in relation to this case only until the beginning of August 2025,<sup>20</sup> notwithstanding that

<sup>15</sup> See the *Abd-Al-Rahman* Directions on the Conduct of Proceedings, *supra* note 14, para. 17.

<sup>16</sup> *Ibid.*

<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> See the "Order on the conduct of confirmation proceedings" (Pre-Trial Chamber I), [No. ICC-01/21-01/25-114](#), 17 April 2025, para. 56.

<sup>20</sup> See the [Case information for Victims on the Duterte case](#) published on the ICC website, para. 29.

the confirmation of charges hearing was postponed until the end of February 2026.<sup>21</sup> As a result, a significant number of eligible Victims were unable to file applications to participate in the proceedings at the pre-trial stage. This, in turn, led to comparatively low number of Victims participating in the proceedings at the pre-trial stage, particularly in light of the geographical scope and temporal framing of the charges spanning over several years. Additionally, the Decision on the Confirmation of Charges, referring to the Prosecution's clarification with respect to incidents and Victims, clarifies the wider scope of the victimisation and thus allows more Victims to apply for participation.<sup>22</sup>

22. Finally, the CLRV inform the Chamber that they have already been approached by many Victims and application forms will be completed and sent to the Registry in the near future. Accordingly, they respectfully request that, in line with previous case law of the Court,<sup>23</sup> Victims should be permitted to submit applications until the end of the CLRV case, or at least until the close of the Prosecution's presentation of evidence.<sup>24</sup>

23. In light of the specificity of the case, in particular the fact that entire families were affected by the crimes, the CLRV request the Chamber to maintain the possibility for Victims to either file individual or household application forms.

### *Other matters*

24. Concerning the invitation by the Chamber to address further items, the CLRV wish to address a few additional matters related to the conduct of the proceedings.

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<sup>21</sup> See the "Public redacted version of 'Decision on the "Defence Request for an Indefinite Adjournment" and Mr Duterte's fitness to take part in the pre-trial proceedings'", [No. ICC-01/21-01/25-356-Red](#), 26 January 2026.

<sup>22</sup> See the "Decision on the Confirmation of Charges" (Pre-Trial Chamber I), [No. ICC-01/21-01/25-417-Red](#), 23 April 2026, paras. 34-35 referring to the "Prosecution's Clarification on the Proposed Scope of the Charges", [No. ICC-01/21-01/25-330](#), 8 December 2025, reclassified as public on 23 December 2025.

<sup>23</sup> See the "Decision on the Registry's request for extension of time limit to submit victims' applications for participation" (Trial Chamber I), [No ICC-02/05-01/20-868](#), 9 February 2023, para. 20.

<sup>24</sup> See the [Chamber's Practice Manual](#), edition November 2024, para. 97(iii).

(i) *Request for a remote room for Victims to attend the proceedings in The Hague*

25. The CLRV inform the Chamber that a number of Victims have already expressed their willingness to travel to The Hague to follow the proceedings. To give effect to article 68(1) of the Statute and to safeguard the security and well-being of Victims, the CLRV respectfully request that the Chamber instruct the Registry to provide a secure, private, and technically equipped space enabling Victims to follow the hearings separately from the public gallery. This request is particularly warranted in light of the significant number of supporters of the Accused expected to attend the hearings, as evidenced during the confirmation of charges proceedings.

26. The establishment of such a dedicated space advances the broader principle of Victim-centred justice. It ensures that affected individuals can meaningfully follow and engage with the judicial process without compromising their safety and emotional well-being. It would also be consistent with international standards on Victims' participation, particularly in cases involving allegations of widespread or systematic human rights violations. In the present case - where many victims and their families continue to face security risks - the availability of such a space would enable them to follow the proceedings and participate meaningfully in the process. Such a measure would enhance transparency, promote fairness, and reinforce trust in the judicial mechanism by enabling Victims to stay engaged under appropriate protective conditions.

(ii) *Protocols to be adopted at trial*

27. In addition to the Protocols already adopted at the pre-trial stage,<sup>25</sup> the CLRV favour the implementation of the Witness Preparation Protocol.<sup>26</sup>

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<sup>25</sup> See the "Order on the conduct of confirmation proceedings" (Pre-Trial Chamber I), [No. ICC-01/21-01/25-114](#), 17 April 2025, paras. 10-12.

<sup>26</sup> See the *Abd-Al-Rahman* Directions on the Conduct of Proceedings, *supra* note 14, and its [Annex A](#).

28. The CLRV also favour the adoption of a Protocol on dual status individuals as implemented in other cases before the Court.<sup>27</sup> This protocol reflects the efforts of various Chambers to create a uniform practice and have proved to be workable Court-wide. It also takes into account the specific circumstances of individuals enjoying the dual status of participating victims and witnesses. Furthermore, the Chambers Practice Manual<sup>28</sup> recommends that a protocol specifically governing dual status individuals may be appropriate. In this regard, Trial Chamber IX also emphasised that: “[...] *special considerations apply to such witnesses and that something like a protocol is required to regulate the exchange of information regarding them*”. Accordingly, the CLRV request the adoption of a protocol on dual status individuals similar to that adopted in the *Yekatom and Ngaïssona* case,<sup>29</sup> also adopted in the *Abd-al-Rahman* case.<sup>30</sup>

29. In relation to the Redaction Protocol, the practice has shown that in the course of the proceedings – and particularly at trial – lifting of redactions in application forms or in documents attached to application forms or related to victims may become a live issue. Therefore, the CLRV suggest that certain categories of information such as contact information of victims and information identifying intermediaries should be considered as falling in the standard category redactions without the need for specific approval by the Chamber. In addition, in accordance with the established practice and regulation 42 of the Regulations of the Court, the CLRV should be consulted on any request for lifting redactions which may impact prior rulings granting such redactions in victims’ application forms and related material. The CLRV further request that they be afforded an opportunity to respond to and, where necessary, challenge any such request before the Chamber.

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<sup>27</sup> See e.g., “Decision on Protocols to be Adopted at Trial” (Trial Chamber IX), [No. ICC-02/04-01/15-504](#), 22 July 2016, para. 31 and references cited therein.

<sup>28</sup> See the [Chambers Practice Manual](#), edition November 2024, para. 80.

<sup>29</sup> See Annex 2 to the “Decision on Protocols at Trial” (Trial Chamber V), [No. ICC-01/14-01/18-677-Anx2](#), 8 October 2020.

<sup>30</sup> See “Decision adopting a dual status witness protocol” (Trial Chamber I), [No. ICC-02/05-01/20-618](#), 7 March 2002 and its [Annex](#).

(iii) *Matters related to the conduct of the proceedings*

30. The CLRV respectfully request that the Chamber adopt the practice in the *Abd-al-Rahman* case<sup>31</sup> as regards the questioning of witnesses by the legal representatives.<sup>32</sup> Said practice is more conducive to an efficient and expeditious conduct of the proceedings, distinguishable from that previously adopted by other Trial Chambers, such as in the *Ntaganda*,<sup>33</sup> and *Muthaura et. al.*<sup>34</sup> cases where legal Representatives had to file a motivated written request in relation to each witness they wished to question, outlining the type and ‘area’ they intended to address in their examination. The *Abd-al-Rahman* approach reduced the burden on both parties and the Chamber in adjudicating formal requests and thus dedicating time and resources to their formal resolution. In addition, the *Abd-al-Rahman* approach allows the CLRV to organically review, during the examination of the witness, whether additional questioning relevant to their clients’ interests is both necessary and warranted in the specific circumstances. Objections to the CLRV’s request for questioning could also be more efficiently dealt with orally and on an *ad hoc* basis.

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<sup>31</sup> See the *Abd-Al-Rahman* Directions on the Conduct of Proceedings, *supra* note 14, para 35.

<sup>32</sup> A similar approach was adopted in the *Ongwen* case: see the “Initial Directions on the Conduct of the Proceedings” (Trial Chamber IX), [No. ICC-02/04-01/15-497](#), 13 July 2016, para. 10.

<sup>33</sup> See the “Decision on the conduct of the proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-619](#), 2 July 2015, para. 64.

<sup>34</sup> See the “Decision on victims’ representation and participation” (Trial Chamber V), [No. ICC-01/09-02/11-498](#), 3 October 2012, para. 73.

Respectfully submitted,



Gilbert Andres



Joel Butuyan



Paolina Massidda

Dated this 15<sup>th</sup> day of May 2026

At The Hague (The Netherlands) and Manila (The Republic of The Philippines)