

**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

**With Annex I in Confidential *ex parte* available to the Registry and Prosecution only, and
Annex II in Confidential *ex parte*, available to the Registry only, and a Public Redacted version of Annex II**

Registry Submissions in View of the Upcoming Status Conference in accordance with “Order Scheduling First Status Conference” (ICC-01/21-01/25-423)

Source: Registry

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

☒ 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

M. Zavala Giler, Osvaldo

☒ Counsel Support Section

☒ Victims and Witnesses Unit

☒ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. Trial Chamber III (“Chamber”) issued “Order Scheduling First Status Conference”¹ in which it, *inter alia*, invited the Registry to provide observations on “Languages to be used by the parties, participants, and the witnesses whom the parties intend to call”; “protective measures for witnesses (including additional need for redactions, delayed disclosure or referrals to the Court’s witness protection programme)”; and “update and forecast on additional applications by victims to participate in the proceedings”, by 15 May 2026. The Registry hereby submits the present observations.

II. Procedural history

2. On 30 April 2026, Trial Chamber III filed “Order Scheduling First Status Conference”, inviting the Registry to provide submissions on: i) [l]anguages to be used by the parties, participants, and the witnesses the parties intend to call; (ii) [p]rotective measures for witnesses (including additional need for redactions, delayed disclosure or referrals to the Court’s witness protection programme); and, iii) [u]pdate and forecast on additional applications by victims to participate in the proceedings.

III. Classification

3. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court, the present submission is classified as public. Annex I is submitted Confidential *ex parte* only available to the Registry and the Prosecution as it refers to VWU internal operations and contains sensitive information pertaining to the security of Prosecution’s witnesses. Annex II is submitted as confidential *ex parte*, available only to the Registry since it contains sensitive information

¹ICC-01/21-01/25-423 , 30 April 2026.

pertaining to the victims' safety and security, as well as on the interlocutors the Registry is in contact with. A Public Redacted version is filed concomitantly.

VI. Applicable law

4. The following provisions are of particular relevance to the present submissions: articles 43, 50, 67(1)(a), 68, 87(2) of the Rome Statute ("Statute"), rules 16 to 19, 87 and 88 of the Rules of Procedure and Evidence ("Rules"), regulations 39(1), 40, 41 of the RoC, and regulations 57(1), 58(3), 61, 66, 67, 68(4), 69, 80 to 96 of the Regulations of the Registry ("RoR").

V. Submissions

5. The following submissions follow the sequence of criteria listed in the Order and relate to each one in turn; namely:
 - a. Languages to be used by the parties, participants, and the witnesses whom the parties intend to call;
 - b. Protective measures for witnesses (including additional need for redactions, delayed disclosure or referrals to the Court's witness protection programme) ; and
 - c. Update and forecast on additional applications by victims to participate in the proceedings.

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

6. Beyond simultaneous interpretation from and into the working languages of the Court (English and French), simultaneous interpretation will be available at the trial with a level of service equivalent to what is provided in the Philippines' legal system: while English is mandatory for official records and

legal arguments, Filipino (Tagalog) and local languages (like Cebuano) are used in practice for testimony and interrogation when the witnesses do not speak English.

7. Now that the charges are confirmed, the Language Services Section of the Registry has started to proceed with the recruitment of Filipino and Cebuano court interpreters/translators (four new positions are to be created). It is necessary to select and recruit candidates for training at the Court well in advance of the opening of the Trial. This period of preparation (ideally, at least 6 months from initial recruitment to first deployment in a hearing) is particularly important to familiarise the trainee interpreters with simultaneous interpretation techniques, Court terminology, and the case itself, as well as to give them proper technical training (booth equipment, JWP, Nuix and other platforms used by interpreters during hearings).
8. Taking into account all recruitment formalities (vacancy announcement, interviews, selection of candidates, security vetting, medical clearance and onboarding deadlines), if the selected candidates join the Court in August 2026, it will be possible to deploy them in the courtroom as of January 2027, at the earliest.
9. The Language Services Section will be able to provide an English booth (providing simultaneous interpretation from French), a French booth (providing simultaneous interpretation from English, and through English relay, from Filipino or Cebuano), and a situation languages booth (providing simultaneous interpretation from Filipino or Cebuano into English, and from English into Filipino or Cebuano, depending on the language spoken by each witness).

B. Protective measures for witnesses (including additional need for redactions, delayed disclosure or referrals to the Court's witness protection programme)

10. Pursuant to articles 68(4) and 43(6) of the Statute, the Victims and Witnesses Unit ("VWU" or "Unit") provides its assessment and recommendations to the Chamber on the security and related in-court protection measures witnesses may need in accordance with rule 87 of the RPE and regulation 94 of the RoR.
11. Additionally, the Unit may also implement non procedural protective measures. These measures depend on the level of risk faced by the witness concerned and range from the implementation of good practices to the set-up of an Initial Response System ("IRS"), an assisted move, an internal resettlement within relevant country or international relocation. Both internal resettlement and international relocation require the inclusion of witnesses into the Court's protection program ("ICCPP"). In cases of international relocation, the Court relies on the cooperation of partner States that have either signed a relocation agreement with the Registry or accepted to relocate witnesses within their territory on an *ad hoc* basis.
12. The admission of a witness in the ICCPP is a voluntary measure of last resort. Considering the extremely heavy impact an inclusion in the ICCPP has on the life of a person and his family members, the VWU always aims to strike a balance between the intrusiveness of the protection measure and the risk and/or threat that the individual may face. This measure is only applied where no other alternative protection measure exists and where a person is considered to be severely at risk. An inclusion in the ICCPP also requires that the persons be assessed as suitable for that program from a psychological viewpoint.

Protection referrals

13. The Unit encourages the parties and participants to follow the procedure established in regulations 80(1) and 96(2) of the RoR for any issues concerning

the protection of witnesses and victims referrals to the ICCPP or other forms of protection. Upon receipt of a referral for protection, the Unit performs a threat and risk assessment of the security situation of the referred individual. For the purpose of assessment and recommendation of the appropriate protective measures, the VWU would like to stress that it is essential that the parties provide the Unit with specific information on the nature of the threat or risk the individual could be exposed to. The Unit remains available to assist the parties in that regard and provide them with a protection referral form to facilitate any request.

14. Finally, For the full information of the Chamber, case-related information is provided in Annex I to the present submissions on an *ex parte* basis only available the Prosecution due to the sensitivity and nature of the information.

Protocols

15. The Registry respectfully takes the opportunity of the present submissions to recommend, subject to the decision of the Chamber, the adoption of a "Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial" ("Familiarisation Protocol"), which outlines the procedures that serve the best interests of witnesses and provides for sustainable working solutions for all entities involved.
16. In 2008, pursuant to Trial Chamber I's decisions in the *The Prosecutor v. Thomas Lubanga Dyilo* ("Lubanga case")², the Registry submitted a set of practices for preparing and familiarising witnesses prior to their testimony at trial.³ These practices became known as the Familiarisation Protocol, which

² Trial Chamber I, "Decision Regarding the Practices Used to Prepare and Familiarise Witnesses for Giving Testimony at Trial", ICC-01/04-01/06-1049, 30 November 2007; Trial Chamber I, "Decision on various issues related to witnesses' testimony during trial", ICC-01/04-01/06-1140, 29 January 2008; Trial Chamber I, "Decision regarding the Protocol on the practices to be used to prepare witnesses for trial.", ICC-01/04-01/06-1351, 23 May 2008.

³ Registry, "Victims and Witnesses Unit protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial", ICC-01/04-01/06-1150-Conf, 30 January 2008; Registry, "Victims and Witnesses Unit report on practices used to prepare and familiarise witnesses for giving testimony at trial", ICC-01/04-01/06-1578, 31 December 2008.

has since been refined and adopted by various Chambers of the Court in the *Katanga*⁴, *Bemba*⁵, *Bemba et al.*⁶, *Ruto et al.*⁷, *Kenyatta*⁸, *Gbagbo and Blé Goudé*⁹, *Al Mahdi*¹⁰, *Ntaganda*¹¹, *Al Hassan*¹², *Said*¹³, *Yekatom and Ngaïssona*¹⁴ and *Ar Rahman* case.¹⁵

17. Familiarisation Protocol addresses key aspects of the witness familiarisation process, drawing on the Court's experience with witnesses. It includes guidance on matters relating to, *inter alia*, travel preparation of the witnesses in the field, arrangements for witnesses falling under the scope of rule 74 of the Rules and courtroom familiarisation.
18. The Unit informs the Chamber that two different types of Familiarisation Protocols have been adopted, namely in the event where a Witness Preparation Protocol is adopted and where no such Protocol is adopted. Specifically, in the absence of a Witness Preparation Protocol, the VWU conducts the statement-reading exercise with the respective witnesses.
19. Subject to the approach chosen by the Chamber in the present case, the VWU would recommend the adoption of the latest versions of one of the two types of Familiarisation Protocols: either the version adopted in the *Yekatom and Ngaïssona* case¹⁶ or, should a Witness Preparation Protocol be adopted, the

⁴ICC-01/04-01/07-842-Conf-Anx.

⁵ICC-01/05-01/08-1081-Anx.

⁶ICC-01/05-01/13-1252-Anx.

⁷ICC-01/09-01/11-704-Anx.

⁸ICC-01/09-02/11-727-Anx.

⁹ICC-02/11-01/15-355-Anx.

¹⁰ICC-01/12-01/15-136-Anx.

¹¹ICC-01/04-02/06-656-AnxA.

¹²ICC-01/12-01/18-705-AnxI.

¹³ICC-01/14-01/21-446-AnxI.

¹⁴ICC-01/14-01/18-677-Anx1.

¹⁵ICC-02/05-01/20-688-AnxI.

¹⁶ Trial Chamber V, "Decision on Protocols at Trial", ICC-01/14-01/18-677, 8 October 2020. In the *Yekatom and Ngaïssona* Case, the Chamber adopted the Familiarisation Protocol previously used in the *Ongwen* Case, which was itself based on the Familiarisation Protocols adopted in the *Gbagbo and Blé Goudé* Case and the *Bemba et al.* Case.

version adopted in the *Said* case.¹⁷ Such an approach would promote a uniform practice in the management of witnesses appearing before the Court.

20. The Unit stands ready to file the appropriate type Familiarisation Protocols in the record of the case upon the Chamber's order.

21. Lastly, in accordance with rule 88 of the RPE, the Unit informs the Chamber that it will provide its assessment on the need for special measures to be implemented for the benefit of potentially vulnerable witnesses. In this regard, the VWU refers to the "Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses" ("Vulnerability Protocol"), which was adopted in the *Bemba*¹⁸, *Ntaganda*¹⁹, *Gbagbo and Blé Goudé*²⁰, *Ar Rahman*²¹ and *Said* case.²² These are the unique version of the Vulnerability Protocol adopted before the Court. Therefore, in order to maintain this uniform practice, the VWU would recommend, if the Chamber deems it necessary, adopting the same protocol in the present case in line with the Chamber's Practice Manual.²³

¹⁷ Registry, "Registry's Submissions of the Protocol on the practices to be used to familiarise witnesses for giving testimony at trial and of the Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses", ICC-01/14-01/21- 446, 9 August 2022; Trial Chamber VI, "Decision on the Adoption of Two Witness-Related Protocols", ICC-01/14-01/21-468, 2 September 2022. In the *Said* Case, the Chamber adopted a Familiarisation Protocol similar to those adopted in the *Ar Rahman* Case and *Al Hassan* Case, which themselves constituted slightly amended versions of the Familiarisation Protocol previously adopted in the *Ntaganda* Case, *Ruto et al. Case*, and *Kenyatta Case*.

¹⁸ICC-01/05-01/08-974-Anx2.

¹⁹ICC-01/04-02/06-445-Anx1.

²⁰ICC-02/11-01/15-357.

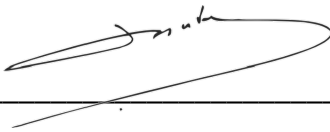
²¹ICC-02/05-01/20-688-AnxII.

²²ICC-01/14-01/21- 446-AnxII.

²³ ICC,  Chamber's Practice Manual , 21 October 2024 [Chambers Practice Manual - Eighth edition](#).

C. Update and forecast on additional applications by victims to participate in the proceedings

22. The Registry submits in Annex II an update and forecast regarding victim applications in the Case and other observations related to victim participation at trial.



Marc Dubuisson
Director, Division of Judicial Services on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 15 May 2026

At The Hague, The Netherlands