Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.**: ICC-01/21-01/25**
Date: **2 November 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 Confidential Annex A

Public Redacted Version of "Prosecution's sixth application under rule 68(3) to introduce into evidence prior recorded testimony of witnesses P-1136, P-1345, P-1391, and P-1404", ICC-01/21-01/25-530-Conf, 27 October 2026

Source: **Office of the Prosecutor**

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. Osvaldo Zavala Giler**	☐ **Counsel Support Section**
☐ **Victims and Witnesses Unit**	☐ **Detention Section**
☐ **Victims Participation and Reparations Section**	☐ **Other**

I. INTRODUCTION

1. The Prosecution requests the formal submission of the statement, transcripts and associated material ("Prior Recorded Testimonies")[1] of P-1136, P-1345, P-1391, and P-1404 ("Four Witnesses") in accordance with article 69(2) and (4) of the Rome Statute (the "Statute"), rule 68(3) of the Rules of Procedure and Evidence (the "Rules"), and the "Directions on the Conduct of Proceedings" (the "Directions").[2] The Prosecution further requests leave to conduct a focused *viva voce* supplementary examination of each witness, as detailed below.

2. Granting the request will enhance the expeditiousness of the proceedings by reducing the length of the witnesses' direct examination from 16 hours to four hours, thus saving at least 12 hours of court time.

3. The Prior Recorded Testimonies of P-1136, P-1345, P-1391, and P-1404 are relevant, reliable, and probative. The Four Witnesses provide evidence on the violence in the Philippines, in particular [REDACTED], prior to and during Mr Duterte's presidency. P-1136 provides evidence of the targeting of so-called "high-value" drug personalities; while P-1345 and P-1391 provide evidence on the pattern of crimes committed in the Philippines during the "war on drugs", including (i) the targeting of alleged drug personalities, (ii) the use of drug watchlists, and (iii) the fabricated Philippine National Police ("PNP") accounts of killings. P-1404 provides direct evidence of the *barangay* clearance policy, [REDACTED]; and of the aftermath of the killing in Incident 30. P-1391's evidence further assists with the proof of Incidents 21 and 30. As such, the Four Witnesses' evidence goes to the proof of the contextual elements of crimes against humanity and to the policy to 'neutralise' through violent crimes, including murder, alleged criminals in the Philippines.

4. The introduction into evidence of the Prior Recorded Testimonies is not prejudicial to or inconsistent with the rights of the Accused, as the witnesses will be available for cross-examination by the Defence and any further questioning by the Chamber, the parties, and the Common Legal Representatives of Victims (the "CLRV").

[1] Annex A (A1 to A4) lists the Prior Recorded Testimonies of P-1136, P-1345, P-1391, and P-1404, which comprise their hyperlinked witness statement and transcripts (at I) and associated material (at II). For P-1404, the material related to the witness's Prior Recorded Testimony which the Prosecution does not seek to introduce into evidence, is also included (at A4 III). *See* Directions on the conduct of proceedings, ICC-01/21-01/25-471, para. 59.
[2] Directions on the conduct of proceedings, ICC-01/21-01/25-471, para. 59.

II. CONFIDENTIALITY

5. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this application and its Annex are filed as confidential, as they contain sensitive witness related information. A public redacted version of the application will be filed shortly.

III. SUBMISSIONS

A. *Legal Basis*

6. The Prosecution incorporates by reference its summary of the applicable law as set out in paragraphs six to ten of its first application under rule 68(3).[3] The Prosecution also recalls that in this specific case the Chamber has explicitly encouraged the use of rule 68(3).[4]

B. Overview of the Prior Recorded Testimonies of P-1136, P-1345, P-1391, and P-1404

7. The Prior Recorded Testimonies of the Four Witnesses may be introduced under rule 68(3). Each witness will attest to their accuracy, be present in court, and available for examination by the Parties, the Chamber, and the CLRV. Their evidence is highly relevant and probative, as set out below.

(i) Prior Recorded Testimony of P-1136

8. P-1136's Prior Recorded Testimony consists of the transcribed statement of the witness's one-day interview [REDACTED] and associated material that was used or explained by the witness in his statement and is listed in confidential Annex A.

9. P-1136 was [REDACTED].[5] In his statement, P-1136 indicates that Mr Duterte targeted public officials as "high-value targets" ("HVT") allegedly involved in the illegal drug trade,[6] and often recorded in the PRRD List.[7] [REDACTED],[8] [REDACTED].[9] [REDACTED],[10] P-

[3] ICC-01/21-01/25-484-Red, paras 6-10.
[4] ICC-01/21-01/25-T-009-Red-Eng, p. 13, lines 15-21; ICC-01/21-01/25-T-011-Conf-ENG ET, p. 3, lines 7-12; ICC-01/21-01/25-T-012-CONF-ENG ET, p. 11, line 25 to p. 12, line 5.
[5] P-1136, PHL-OTP-00088629 at 0009, lines 269-291.
[6] P-1136, PHL-OTP-00088629 at 0010-0011, lines 334-338; 0013, lines 411-413; 0015-0016, lines 509-538; 0021-0022, lines 682-746; PHL-OTP-00088630 at 0007, lines 206-210.
[7] P-1136, PHL-OTP-00088630 at 0018, lines 576-584.
[8] P-1136, PHL-OTP-00088629 at 0010-0012, lines 322-387; 0013-0014, lines 435-456; 0021-0022, lines 682-746.
[9] P-1136, PHL-OTP-00088630 at 0022-0023, lines 746-759.
[10] P-1136, PHL-OTP-00088629 at 0020-0021, lines 689-711; PHL-OTP-00088630 at 0002, 0004, lines 14-23, 128-133.

1136 and [REDACTED].[11] P-1136 [REDACTED].[12] P-1136's Prior Recorded Testimony goes to proof of Mr Duterte's policy to "neutralise" local public officials who were allegedly involved with illegal drugs and of his public threats against high-value targets.

10. The associated material for P-1136 which the Prosecution seeks to introduce into evidence[13] forms an integral part of his Prior Recorded Testimony.[14] These items are also necessary to fully comprehend the witness's account, as he uses and/or explains them in his statement. The associated material is comprised of: (i) documents related to P-1136's [REDACTED] and the related translations; (ii) P-1136 [REDACTED]; (iii) P-1136's [REDACTED]; (iv) minutes of a joint meeting between [REDACTED]; (v) a copy of [REDACTED] and its translation; (vi) a list mentioning two drug personalities in [REDACTED]; (vii) a [REDACTED]; (viii) the cover page of an [REDACTED]; and (ix) media articles.

11. Should P-1136's Prior Recorded Testimony be introduced into evidence, the Prosecution requests approximately one hour to conduct a streamlined supplementary examination of this witness, in accordance with rule 68(3) and the prior jurisprudence of this Court.[15] During this limited and focused supplementary examination the Prosecution would explore and clarify aspects of P-1136's evidence related to, in particular: (i) how [REDACTED]; (ii) [REDACTED]; and (iii) the impact of [REDACTED].

12. The Prosecution estimates that it would require four hours for the direct examination of P-1136, if his Prior Recorded Testimony is not introduced through rule 68(3). Thus, the one hour required for the limited supplementary examination would shorten the in-court testimony of this witness by three hours, should this Application be granted.

(ii) Prior Recorded Testimony of P-1345

[11] P-1136, PHL-OTP-00088630 at 0015, lines 474-476, 485-490.
[12] P-1136, PHL-OTP-00088630 at 0020, lines 642-645.
[13] *See* Annex A(1), Part II.
[14] *Yekatom & Ngaissona* Decision on the Prosecution Requests under Rule 68(3), ICC-01/14-01/18-907-Red, para. 26; *Ongwen* Decision on Defence Rule 68(2)(c) request, ICC-02/04-01/15-1288, paras 8, 10; *Gbagbo & Blé Goudé* Decision on the Prosecution's rule 68(2)(b) and 68(3) applications, ICC-02/11-01/15-573-Red, para. 9.
[15] *Ntaganda* Transcript of hearing, ICC-01/04-02/06-T-110-Red2-ENG, p. 34, l. 8-13; *Gbabgo & Blé Goudé* Decision to conditionally admit the prior recorded statements under rule 68(3), ICC-02/11-01/15-722-Red, para. 23; *Al Hassan* Directions on the Conduct of Proceedings, ICC-01/12-01/18-789-AnxA, para. 65; *Yekatom & Ngaissona* initial Guidance on Rule 68, ICC-01/14-01/18-685, para. 36.

13. P-1345's Prior Recorded Testimony consists of the transcribed statement of the witness's one-day interview [REDACTED] and associated material that was used and explained by the witness in his statement and is listed in confidential Annex A.

14. P-1345 is an [REDACTED] as an [REDACTED].[16] In [REDACTED] 2017, P-1345 was transferred to [REDACTED] the new pattern of killings during One Time Big Time ("OTBT") operations in Manila after Mr Duterte became President.[17] P-1345 describes: (i) the structure and functioning [REDACTED];[18] (ii) the establishment of an Extra Judicial Killing ("EJK") [REDACTED] due to an escalation in the killings;[19] and (iii) the lack of cooperation from the PNP during [REDACTED].[20] P-1345's statement includes detailed discussions of nine case files [REDACTED] of PNP killings of alleged drug personalities during the "war on drugs".[21] P-1345 identifies patterns in the *modus operandi* of PNP killings, including planting *shabu* and guns near the victim's body.[22] P-1345 also explains that journalists, human rights groups, labour leaders and judges who opposed Mr Duterte's administration were 'red-tagged' as drug personalities or communists.[23] P-1345's Prior Recorded Testimony goes to proof of the contextual elements of crimes against humanity, particularly: the policy to 'neutralise' through violent crimes, including murder, alleged criminals in the Philippines; the widespread and systematic nature of crimes committed pursuant to this policy; and the PNP's *modus operandi* in perpetrating such killings.

15. The associated material for P-1345 which the Prosecution seeks to introduce into evidence[24] forms an integral part of his Prior Recorded Testimony. These items are also necessary to fully comprehend the witness's account, as he uses and explains them in his statement. The associated material is comprised of the aforementioned [REDACTED], including (i) [REDACTED], (ii) [REDACTED], (iii) [REDACTED], (iv) [REDACTED], (v) [REDACTED], (vi) [REDACTED], (vii) [REDACTED], and (viii) [REDACTED].

[16] P-1345, PHL-OTP-00099940 at 0004, lines 149-159.
[17] P-1345, PHL-OTP-00099940 at 0004, lines 133-135
[18] P-1345, PHL-OTP-00099940 at 0008-0010, 0012-0013, lines 224-245, 268-295, 383-411, 418-430.
[19] P-1345, PHL-OTP-00099940 at 0014, lines 477-478, PHL-OTP-00099941 at 0014-0015, lines 485-504.
[20] P-1345, PHL-OTP-00099941 at 0002, 0018-0019, lines 9-41, 633-652, PHL-OTP-00099943 at 0005, 0012, lines 106-117, 417-419.
[21] P-1345, PHL-OTP-00099941 at 0005-0006, lines 135-170, PHL-OTP-00099942 at 0011-0031, lines 14-792, 877-1053, PHL-OTP-00099943 at 2-9, lines 8-152, 181-261.
[22] P-1345, PHL-OTP-00099941 at 0007-0008, 0011, lines 201-230, 286-312, 353-376.
[23] P-1345, PHL-OTP-00099943 at 0009, lines 301-304.
[24] *See* Annex A(2), Part II.

16. Should P-1345's Prior Recorded Testimony be introduced into evidence, the Prosecution requests approximately 1 hour to conduct a streamlined supplementary examination of this witness. During this limited and focussed supplementary examination the Prosecution would explore and clarify aspects of P-1345's evidence related to, in particular: (i) the PNP's lack of cooperation [REDACTED], and (ii) [REDACTED] and the [REDACTED] and the self-defence scenario described in many PNP reports.

17. The Prosecution estimates that it would require four hours for the direct examination of P-1345, if his Prior Recorded Testimony is not introduced through rule 68(3). Thus, the one hour required for the limited supplementary examination would shorten the in-court testimony of this witness by three hours, should this Application be granted.

(iii)Prior Recorded Testimony of P-1391

18. P-1391's Prior Recorded Testimony consists of one written statement of the witness's three-day interview of [REDACTED] and associated material that was used and explained by the witness in her statement and is listed in confidential Annex A.

19. P-1391 has been [REDACTED][25] [REDACTED].[26] In this capacity, she was assigned to work on the Philippines [REDACTED].[27] She [REDACTED] with [REDACTED] together with her colleagues,[28] and [REDACTED][29] and [REDACTED].[30] [REDACTED].[31] In her statement, P-1391 describes the [REDACTED], including: (i) the use of drug watchlists,[32] (ii) patterns of fabricated PNP accounts of killings,[33] (iii) the use of paid assets by the PNP to carry out killings,[34] (iv) and PNP officers receiving rewards as incentives for carrying out killings.[35] P-1391 further provides details of the circumstances of Incidents 21[36] and 30 and is therefore relevant to the proof of those charged incidents.[37] P-1391's Prior Recorded Testimony also goes to the proof of the contextual elements of crimes against humanity, particularly a policy

[25] P-1391, PHL-OTP-00239271 at 0005, para 28.
[26] P-1391, PHL-OTP-00239271 at 0005, para 29.
[27] P-1391, PHL-OTP-00239271 at 0005, para 30.
[28] P-1391, PHL-OTP-00239271 at 0006-0010, paras 37-52.
[29] P-1391, PHL-OTP-00239271 at 0011-0018, paras 62-97; PHL-OTP-0003-0582.
[30] P-1391, PHL-OTP-00239271 at 0018-0025, paras 98-134; PHL-OTP-0003-1004.
[31] P-1391, PHL-OTP-00239271 at 0006, paras 32-33.
[32] P-1391, PHL-OTP-00239271 at 0014-0015, 0021-0023, paras 77-80, 117-118, 125.
[33] P-1391, PHL-OTP-00239271 at 0015-0016, 0020-0021, paras 83-85, 112-113, 115-116.
[34] P-1391, PHL-OTP-00239271 at 0016-0017, para 87.
[35] P-1391, PHL-OTP-00239271 at 0016, para 86.
[36] P-1391, PHL-OTP-00239271 at 0012, para 68.
[37] P-1391, PHL-OTP-00239271 at 0019, 0023, paras 101, 121.

to ‘neutralise’ through violent crimes, including murder, alleged criminals in the Philippines; and the widespread and systematic nature of crimes committed pursuant to this policy.

20. The associated material for P-1391 which the Prosecution seeks to introduce into evidence[38] forms an integral part of her Prior Recorded Testimony. These items are also necessary to fully comprehend the witness’s account, as she uses and explains them in her statement. The associated material is comprised of: (i) the aforementioned [REDACTED], and (ii) a copy of [REDACTED].

21. Contrary to the Defence’s contention in its recent response to the Prosecution’ submission of a similar report through P-1357,[39] P-1391 does not need to address [REDACTED] extensively for them to be considered an integral part of her statement. In any event, P-1391’s above mentioned description of [REDACTED] constitutes a meaningful usage and explanation justifying the admission of the [REDACTED] as associated documents.

22. Should P-1391’s Prior Recorded Testimony be introduced into evidence, the Prosecution requests approximately one hour to conduct a streamlined supplementary examination of this witness. During this limited and focused supplementary examination the Prosecution would explore and clarify aspects of P-1391’s evidence related to, in particular: (i) [REDACTED], (ii) [REDACTED], and (iii) [REDACTED] with the Philippine authorities, including the PNP.

23. The Prosecution estimates that it would require four hours for the direct examination of P-1391, if her Prior Recorded Testimony is not introduced through rule 68(3). Thus, the one hour required for the limited supplementary examination would shorten the in-court testimony of this witness by three hours, should this Application be granted.

(iv) Prior Recorded Testimony of P-1404

24. P-1404’s Prior Recorded Testimony consists of the transcribed statement of the witness’s one-day interview of [REDACTED] and associated material that was used or explained by the witness in his statement and is listed in confidential Annex A.

[38] *See* Annex A(3), Part II.
[39] Defence Response to the Prosecution’s Second Application Under Rule 68(2)(b), ICC-01/21-01/25-529-Conf, para. 9.

25. From 2014, [REDACTED].[40] [REDACTED].[41] P-1404's Prior Recorded Testimony evidences the situation [REDACTED] prior to and during Mr Duterte's Presidency, including the targeting of alleged drug personalities by police.[42] P-1404 [REDACTED].[43] On two occasions after police killings, [REDACTED], who claimed to be executing orders.[44] P-1404 provides evidence on the aftermath of the killing in Incident 30, including [REDACTED].[45]

26. P-1404 also provides evidence on: *barangay* clearance policy; the different types of watchlist (including PDEA, *barangay*, PNP, [REDACTED] Department of Interior and Local Government ("DILG") and Presidential); how the Co-Perpetrators ordered *barangay* captains via the DILG to submit updated watchlists each month; and the MASA MASID programme.[46] He speaks about the process [REDACTED].[47] [REDACTED].[48] He also [REDACTED] and evidences reporting and the presentation of killings as "accomplishments".[49] P-1404's Prior Recorded Testimony goes to proof of a policy to 'neutralise' through violent crimes, including murder, alleged criminals in the Philippines. It also provides evidence of *barangay* clearance policy, including [REDACTED].

27. The associated material for P-1404 which the Prosecution seeks to introduce into evidence[50] forms an integral part of his Prior Recorded Testimony. These items are also necessary to fully comprehend the witness's account, as he uses and explains them in his statement. The associated material is comprised of: (i) a Rappler article which [REDACTED] concerning the compilation and use of drug watchlists at the local level;[51] (ii) a copy of the PRRD List which was shown to P-1404 during interview, who explained the similarities and

[40] P-1404, PHL-OTP-00248840 at 0004-0005, lines 101-145.
[41] P-1404, PHL-OTP-00248840 at 0008, 0017-0020, lines 245-274, 584-702, PHL-OTP-00247420 at 0004, PHL-OTP-00247420 at 0005, lines 120-121.
[42] P-1404, PHL-OTP-00248840 at 0005-0006, lines 124-160, 182-190, 0007, lines 217-225, PHL-OTP-00247421 at 0007, lines 213-216, 0015, lines 492-497.
[43] P-1404, PHL-OTP-00247420 at 0007, lines 214-222, PHL-OTP-00247421 at 0015, lines 504-505.
[44] P-1404, PHL-OTP-00247420 at 0007-0012, lines 212-394, PHL-OTP-00247421 at 0004-0007, lines 100-216.
[45] P-1404, PHL-OTP-00247420 at 0013-0017, lines 420-571.
[46] P-1404, PHL-OTP-00247420 at 0002-0004, lines 30-54, 59-63, 81-109, 0022-0032, lines 789-814, 826-1173, PHL-OTP-00247421 at 0003-0004, lines 42-96, 0007-0013, lines 220-447, 0015-0017, lines 516-584, 0020-0022, lines 680-768.
[47] P-1404, PHL-OTP-00247420 at 0018-0022, lines 622-773, 0023-0032, lines 826-1173.
[48] P-1404, PHL-OTP-00247421 at 0002-0003, lines 22-40.
[49] P-1404, PHL-OTP-00247421 at 0026-0032, lines 914-1109.
[50] *See* Annex A(4), Part II.
[51] P-1404, PHL-OTP-00248840 at 0008-0012, lines 236-420, PHL-OTP-00247420 at 0002-0003, lines 35-46, 0021-0022, lines 740-773, 0026-0032, lines 926-1173, PHL-OTP-00247421 at 0002-0004, lines 15-78, 0011-0012, lines 358-381.

differences between the list and the "presidential watchlist" he had been shown by a prosecutor.[52]

28. Should P-1404's Prior Recorded Testimony be introduced into evidence, the Prosecution requests approximately one hour to conduct a streamlined supplementary examination of this witness. During this limited and focused supplementary examination the Prosecution would explore and clarify aspects of P-1404's evidence related to, in particular: (i) the situation in [REDACTED] with respect to the "War on Drugs", including changes once Mr Duterte became President and the aftermath of the killing of Kian DELOS SANTOS (Incident 30); (ii) the creation and use of different types of drug watchlist; and (iii) the various bodies involved in the "War on Drugs" campaign at the local level, including interagency meetings, reporting and harmonisation of different watchlists.

29. The Prosecution estimates that it would require four hours for the direct examination of P-1404, if his Prior Recorded Testimony is not introduced through rule 68(3). Thus, the one hour required for the limited supplementary examination would shorten the in-court testimony of this witness by three hours, should this Application be granted.

C. The Prior Recorded Testimonies of the Four Witnesses are internally consistent and corroborative of evidence to be provided by other witnesses

30. P-1136, P-1345, P-1391, and P-1404's Prior Recorded Testimonies are internally consistent and accompanied by supporting documents in relation to certain aspects.[53] They are also cumulative in nature and corroborative of other evidence,[54] as described below.

31. P-1136's evidence relating to the PRRD List, is corroborative of, and cumulative to, the evidence expected to be provided by, in particular, *viva voce* witnesses P-1077 and P-1410. P-1136's evidence regarding the HVT component of the campaign is corroborative of, and cumulative to, the evidence expected to be provided by, in particular, *viva voce* witnesses P-1410 and P-1262.

32. P-1345's evidence relating to [REDACTED] extra-judicial killings is corroborative of, and cumulative to, the evidence expected to be provided by, in particular witness P-1359. His

[52] P-1404, PHL-OTP-00247421 at 0025-0026, lines 855-897.
[53] *Ntaganda* Preliminary Rule 68(3) decision, para. 9.
[54] *Bemba* Rule 68 AJ, para. 78.

evidence on the *modus operandi* of the charged crimes, including the conduct of OTBT operations and the perpetrators' 'practice' of planting weapons, drugs, and money on victims to stage self-defence scenarios is further corroborative of, and cumulative to, the evidence to be provided by, *viva voce* witnesses P-0003, P-0009, P-1036, P-1077, P-1160, P-1174, P-1202, P-1205, P-1207, P-1209, P-1211, P-1235, P-1236, P-1261, P-1262, and P-1407.

33. P-1391's evidence relating to the pattern of the extrajudicial killings described above and the circumstances of Incident 21 and 30 is corroborative of, and cumulative to, the evidence expected to be provided by, in particular, *viva voce* witnesses P-0009, P-1200, P-1235 and P-1236; and witnesses P-0025, P-1198, and P-1393.

34. P-1404's evidence relating to drug watchlists, is corroborative of, and cumulative to, the expected documentary evidence. His evidence regarding the *barangay* clearance operations policy is corroborative of, and cumulative to, the evidence expected to be provided by, in particular, witness P-1161, as well as documentary evidence.

D. The introduction of the Four Witnesses' Prior Recorded Testimonies is not prejudicial to or inconsistent with the rights of the Accused

35. The introduction of P-1136, P-1345, P-1391, and P-1404's Prior Recorded Testimonies into evidence would not be prejudicial to or inconsistent with the rights of the Accused, as the Defence will have ample opportunity to cross-examine them. The Defence have been notified of the Prosecution's intention to call these witnesses pursuant to rule 68(3) since 31 August 2026[55] and have adequate time to prepare for the cross-examination.

36. In accordance with the conditions set out in rule 68(3), the witnesses will be asked whether they consent to the introduction of their Prior Recorded Testimonies into the record of the case at the start of their testimony and the parties, the CLRV, and the Chamber will have the opportunity to examine them and observe their demeanour during testimony.

E. The Prior Recorded Testimonies of the Four Witnesses are relevant, reliable, and probative to the case

37. The Prior Recorded Testimonies that the Prosecution seeks to introduce into evidence, pursuant to rule 68(3) are relevant, reliable, and probative. While rule 68(3) contains no requirement that the prior recorded testimony has sufficient indicia of reliability, contrary to

[55] Prosecution's List of Witnesses for Trial, ICC-01/21-01/25-488-Conf-AnxA.

other sub-rules of rule 68,[56] such indicia are relevant to the Prior Recorded Testimonies' reliability and probative value.

38. P-1136, P-1345, P-1391, and P-1404's Prior Recorded Testimonies were obtained by the Prosecution in the ordinary course of its investigation, when the witnesses were interviewed pursuant to article 55 of the Statute and rule 112 of the Rules. All Four Witnesses were informed of the voluntary nature of their interviews and of their rights.[57] Other issues, including the principle of confidentiality and protection measures[58] were also explained to each witness. At the conclusion of the interviews the witnesses confirmed that they answered the questions of their own free will and had no complaints about the way the interview was conducted.[59] P-1391 signed her Prior Recorded Testimony after reading it over.[60]

IV. CONCLUSION

39. For the above reasons, the Prosecution respectfully requests that the Chamber grant the application subject to the fulfilment of the further conditions of rule 68(3) of the Rules.



Mame Mandiaye Niang, Acting Prosecutor

Dated this 2nd day of November 2026

At The Hague, the Netherlands

[56] *Yekatom & Ngaissona* Fifteenth Decision on Rule 68(3), ICC-01/14-01/18-1480-Red, para. 16; *Yekatom & Ngaissona* Twentieth Rule 68(3) Decision, para. 11.
[57] P-1136, PHL-OTP-00088629 at 0003, lines 56-64; P-1345, PHL-OTP-00099940 at 0003, lines 37-48; P-1391, PHL-OTP-00239271 at 0002-0003, paras. 7, 11; P-1404, PHL-OTP-00248840 at 0002, lines 20-29.
[58] P-1136, PHL-OTP-00088629 at 0003-0004, lines 67-96; P-1345, PHL-OTP-00099940 at 0004-0005, lines 101-129; P-1391 PHL-OTP-00239271 at 0002-0003, 0025, paras. 9-10, 136; P-1404, PHL-OTP-00248840 at 0002-0003, lines 29-68.
[59] P-1136, PHL-OTP-00088630 at 0027, lines 898-900; P-1345, PHL-OTP-00099943 at 0018, lines 587-593; P-1391, PHL-OTP-00239271 at 0026, paras. 139-141; P-1404, PHL-OTP-00247421 at 0032, lines 1127-1136.
[60] P-1391, PHL-OTP-00239271 at 0027.