Cour
Pénale
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International
Criminal
Court

Original: ***English***

No.: ***ICC-01/21-01/25***
Date: **10 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

Public redacted version of "Victims' Response to the Prosecution's Third Application Pursuant to Rule 68(3) of the Rules of Procedure and Evidence" (ICC-01/21-01/25-536-Conf))

Source: **Common Legal Representatives of the 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

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

I. INTRODUCTION

1. The Common Legal Representatives of the Victims (the "CLRV") hereby file their response to the "Prosecution's third application under rule 68(3) to introduce into evidence prior recorded testimonies of witnesses P-0008, P-1164, and P-1303" (the "Request").[1] While supporting the Request in its entirety, the CLRV confine their submissions to the part of the Request concerning P-1303, [REDACTED].

2. The CLRV support the Prosecution's Request as it concerns P-1303. Her prior recorded statement and associated material fulfil the requirements of rule 68(3) of the Rules of Procedure and Evidence (the "Rules"). P-1303 explained in detail the circumstances in which [REDACTED]. She also addressed the associated documents and provided context for their contents.

3. [REDACTED] a murder victim in this case, P-1303 would face a significant emotional burden in giving testimony. The CLRV therefore submit that, in order to safeguard P-1303's psychological well-being, the time she is required to spend in court should be kept to a minimum, consistent with the requirements of a fair and equitable trial. The need to limit the extent to which she must recount the particularly traumatising events experienced [REDACTED] should be a significant consideration for Trial Chamber III (the "Chamber") in determining whether to admit her prior recorded testimony pursuant to rule 68(3) of the Rules.

[1] See the "Prosecution's third application under rule 68(3) to introduce into evidence prior recorded testimonies of witnesses P-0008, P-1164, and P-1303", No. ICC-01/21-01/25-524-Conf, 19 October 2026. A public redacted version No. ICC-01/21-01/25-524-Red was filed on 21 October 2026.

II. PROCEDURAL BACKGROUND

4. On 19 June 2026, the Chamber issued the "Directions on the conduct of proceedings."[2]

5. On 7 October 2026, the Prosecution filed the Request.[3]

III. CLASSIFICATION

6. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present submission is classified as confidential, following the classification chosen by the Prosecution and because it refers to the content of documents bearing the same classification, as well as matters related to the psychological well-being of a dual status individual. A public redacted version will be filed in due course.

IV. SUBMISSIONS

a) Applicable Law

7. Rule 68(3) of the Rules provides that a trial chamber may allow the introduction of previously recorded testimony where the witness who gave that testimony is present before it and does not object to its submission. The provision further requires that the Prosecutor, the Defence and the Chamber have the opportunity to examine the witness during the proceedings.[4]

8. In the present case, the Chamber has repeatedly encouraged the Prosecution to identify witnesses whose testimony could be received pursuant to rule 68(3) of the Rules, in order to shorten the time required for their examination.[5] P-1303's prior

[2] See the "Directions on the conduct of proceedings" (Trial Chamber III), No. ICC-01/21-01/25-471, 19 June 2026.
[3] See the Request, *supra* note 1.
[4] See Rule 68(3) of the Rules.
[5] See the transcript of the status conference held on 16 September 2026, No. ICC-01/21-01/25-T-011-CONF-ENG ET, p. 3, lines 3-12 and p. 6, lines 4-13 and the transcript of the status conference held on 13 October 2026, No. ICC-01/21-01/25-T-012-CONF-ENG ET, p. 12, lines 2-3.

recorded statement and the associated material discussed therein[6] have been disclosed to the parties and participants. Unless unforeseen circumstances arise, it may be reasonably anticipated that, when the witness will appear before the Chamber in due course, she will consent to these documents being introduced pursuant to rule 68(3) of the Rules.

b) The introduction of P-1303's prior recorded testimony is consistent with article 68(1) of the Statute

9. P-1303's experience [REDACTED], as well as the circumstances in which she learned of said death, were highly traumatising [REDACTED]. [REDACTED],[7] she explained that recounting the events and what happened [REDACTED] makes it feel as [REDACTED], causing her severe distress.[8] Reducing the number of times she is required to recall and relive these memories in the courtroom would therefore help to significantly mitigate the psychological impact of giving testimony. Appearing as a rule 68(3) witness, P-1303 will remain subject to be questioned by the Defence and may still be required to recount aspects of the events affecting her and her children. The introduction of her prior recorded statement, which, according to the Prosecution, would reduce the duration of her oral testimony [REDACTED][9] and spare her from having to repeat the sequence of violent events she experienced, would therefore meaningfully reduce the overall emotional and psychological burden of testifying.

10. Article 68(1) of the Statute requires the trial chamber to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. Given that P-1303 will be available for questioning by the Defence, admitting her prior recorded statement would help to avoid unnecessary repetition of her traumatic experiences while preserving the Defence's opportunity to examine her. Such an approach would also be consistent with the

[6] [REDACTED].
[7] [REDACTED].
[8] *Ibid*.
[9] [REDACTED].

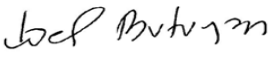
Chamber's obligation under article 64(2) of the Statute to ensure that the "*trial is fair and expeditious and conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses*."

V. CONCLUSION

11. For the foregoing reasons, the CLRV respectfully request the Chamber to grant the Request in relation to P-1303.



Gilbert Andres



Joel Butuyan



Paolina Massidda

Dated this 10th day of November 2026

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