

Annex II

Public redacted

Update and forecast regarding victim applications in the Case

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Introduction

1. In compliance with Trial Chamber III's order scheduling the first status conference ("Chamber" and "Order", respectively), in which the Chamber ordered the parties and participants to provide observations on a number of issues,¹ the Registry provides below:
 - I. an update and forecast on additional victim applications for participation in the case of *The Prosecutor v. Rodrigo Roa Duterte* ("Case"); and
 - II. other observations relevant to the participation of victims at trial.

I. Update and forecast regarding victim applications in the Case

A. Update on applications received

2. To date, the Registry has received 359 individual and 'household'² applications for participation and reparations in the proceedings in relation to the Case.³
3. Out of these, 262 applications were transmitted to PTC I, in accordance with the "Order on the conduct of confirmation proceedings" ("PTC Order")⁴ by which the procedure for the admission of victims to participate in the case was adopted ('A-B-C Approach')⁵. Following this approach, 242 applications were

¹ Trial Chamber III, "Order Scheduling First Status Conference", 30 April 2026, ICC-01/21-01/25-423.

² With the approval of Pre-Trial Chamber I ("PTC I"), the Registry used, in addition to the individual application form, a "household" form for victims to apply for participation in proceedings and reparations in the Case. The household form enables all victims within the same household who have suffered personal harm resulting from the crimes or murder or attempted murder, to jointly complete one form.

³ All applications were received before the confirmation of charges hearing.

⁴ Pre-Trial Chamber I, "Order on the conduct of confirmation proceedings", 17 April 2025, ICC-01/21-01/25-114.

⁵ ICC, "Chambers Practice Manual", 21 October 2024, <https://www.icc-cpi.int/about/judicial-divisions/chambers-practice-manual>. Under the A-B-C Approach the Registry classifies the applicants into three categories: (i) applicants who clearly qualify as victims within the scope of a given case ('Group A'), (ii) applicants who clearly do not qualify as victims within the scope of a given case

transmitted as part of Group A,⁶ and 10 applications were transmitted as part of Group B.⁷ A sample of 10 applications were transmitted to PTC I and the parties as part of Group C.⁸

4. On 26 January 2026⁹ and 13 February 2026,¹⁰ PTC I authorised 539 victims to participate in the proceedings.
5. Approximately 80 applications for participation in the proceedings have not been transmitted during the pre-trial stage, because they were assessed by the Victims Participation and Reparations Section ("VPRS") of the Registry by the relevant deadline for submission to the Chamber as either: *i*) incomplete, and supplementary information had not been received; or *ii*) Group C;¹¹ or *iii*) Group B.¹² The VPRS plans to transmit relevant applications shortly.
6. The Registry notes that the number of applications for participation and/or reparations received at the pre-trial stage is rather limited when compared to the number of the so-called 'War on Drugs' ("WoD") victims who fall within the confirmed scope of the case,¹³ as well as to the number of victims who informed the VPRS, directly or through VPRS interlocutors, that they wish to participate in the Case.¹⁴ The limited receipt of victim applications during the pre-trial proceedings is the consequence of (i) the security situation, and (ii) the

('Group B'); and (iii) applicants for whom the Registry could not make a clear determination for any reason ('Group C').

⁶ Registry, "Registry Transmission of Group A and B Applications for Victim Participation in Pre-Trial Proceedings", 27 August 2025, ICC-01/21-01/25-246 ("First Registry Transmission"). The document was reclassified as public on 18 December 2025; and "Second Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", dated 9 February 2026 and notified on 11 February 2026, ICC-01/21-01/25-371.

⁷ First Registry Transmission.

⁸ Registry, "Registry Transmission of Group C Applications for Victim Participation in Pre-Trial Proceedings", 20 August 2025, ICC-01/21-01/25-237.

⁹ Pre-Trial Chamber I, "Decision on victims' participation and legal representation", 26 January 2026, ICC-01/21-01/25-358 ("Decision on victims' participation and legal representation").

¹⁰ Pre-Trial Chamber I, "Second decision on victims' participation and legal representation", 13 February 2026, ICC-01/21-01/25-375.

¹¹ The deadline was 20 August 2025.

¹² The deadline was 27 August 2025.

¹³ See also *infra*, para. 10.

¹⁴ See *infra*, para. 13.

lack of clarity for a length of time during the proceedings regarding the scope of the Case; the Document Containing the Charges (“DCC”) was filed on 4 July 2025 in confidential version only,¹⁵ and the public redacted version of the DCC was issued on 22 September 2025,¹⁶ after the deadline set for victims to submit applications to the VPRS.¹⁷ Against this backdrop, the VPRS was unable to provide any precise updated information to victims regarding the crimes Mr Duterte was charged with ahead of the above deadline. As a result, many victims decided to wait with their application pending clarity on the scope of the Case.¹⁸

B. Scope of the Case

7. All charges against Mr Duterte have been confirmed.¹⁹ Furthermore, in the Confirmation Decision, PTC I addressed the scope of the charges²⁰ and found that “based upon the non-exhaustive list of incidents set out in any charges that may be confirmed, the Trial Chamber as well as the parties and participants in any potential trial of Mr Duterte will be able to identify which historical events are covered by the charges, i.e. the time during which and an area where criminal acts were allegedly committed by an identifiable group of perpetrators against an identifiable group of victims.”²¹
8. In light of the above, the Registry understands that the scope of the Case at trial covers: 1) all murders or attempted murders committed from at least 1 November 2011 to 30 June 2016 (Mayoral period) in Davao (in or around Davao

¹⁵ Office of the Prosecutor, “Document Containing the Charges”, 4 July 2025, ICC-01/21-01/25-178-Conf.

¹⁶ Office of the Prosecutor, “Public Redacted Version of the ‘Document Containing the Charges’ 4 July 2025, ICC-01/21-01/25-178-Conf”, 22 September 2025, ICC-01/21-01/25-178-Red. A public lesser redacted version was issued on 13 February 2026, ICC-01/21-01/25-178-Red2.

¹⁷ The deadline was in August 2025.

¹⁸ See also Group C Report, paras. 19-23.

¹⁹ Pre-Trial Chamber I, “Public redacted version of ‘Decision on the confirmation of charges against Mr Rodrigo Roa Duterte’”, 23 April 2026, ICC-01/21-01/25-417-Red (“Confirmation Decision”).

²⁰ Confirmation Decision, paras. 14-24.

²¹ Confirmation Decision, para. 24.

City), in the context of the WoD; and 2) all murders or attempted murders committed from at least 30 June 2016 to 16 March 2019 (Presidential period), across the Philippines, in the context of the WoD.

9. In line with the Chambers Practice Manual,²² the Registry therefore submits that all victims authorised to participate in the proceedings by PTC I fall within the scope of the Case and continue to participate at the trial stage of the proceedings. Furthermore, all new victim applications alleging murders or attempted murders falling within one of the two categories above will be assessed by the Registry as falling inside the scope of the Case and transmitted to the Chamber periodically.

C. Forecast on potential new applicants

10. In its request for authorisation of an investigation into the Philippines Situation, the OTP held that “although the precise number is difficult to ascertain, estimates of the total number of persons killed in connection with the WoD between 1 July 2016 and 16 March 2019, range from 12,000 to 30,000.”²³ The DCC speaks of “at least hundreds of other murders during the Mayoral period” and “thousands of other murders in the Presidential period.”²⁴ Furthermore, according to a 2020 Report of the United Nations High Commissioner for Human Rights, up to that date, “[t]he most conservative figure, based on government data, suggests that since July 2016, 8,663 people have been killed – with other estimates of up to triple that number.”²⁵

²² Chambers Practice Manual, 21 October 2024, <https://www.icc-cpi.int/about/judicial-divisions/chambers-practice-manual>, para. 97 (ii).

²³ Office of the Prosecutor, “Public redacted version of ‘Request for authorisation of an investigation pursuant to article 15(3)’, 24 May 2021, ICC-01/21-7-SECRET-Exp”, 14 June 2021, ICC-01/21-7-Red, para. 19.

²⁴ DCC, para. 19.

²⁵ Human Rights Council, “Situation of human rights in the Philippines: Report of the United Nations High Commissioner for Human Rights”, 29 June 2020, <https://www.ohchr.org/sites/default/files/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, para. 22.

11. The Registry recalls that, to date, the VPRS has had minimal direct interaction with victims, and was not in a position to directly assist any victim in submitting applications for participation and reparations. [Redacted].
12. [Redacted].
13. According to preliminary information received from Registry interlocutors, more than 1,000 household applications²⁶ from victims falling within the scope of the Case are expected to be submitted to the Registry in the coming months for the purpose of participation or reparations in the Case.²⁷ Registry interlocutors in the field have also urged for a comprehensive timeframe available for victims to engage in the application process.
14. [Redacted].

II. Other Registry observations related to victim participation at trial

15. The Registry makes the following observations and suggestions as they are closely related to the collection and submission to the Chamber of additional applications by victims to participate in the proceedings.

A. Languages used by victims

16. The predominant languages used by victims of the Case are Tagalog and Cebuano. The victim applications received at the pre-trial stage were completed mainly in Tagalog or Cebuano. The VPRS interlocutors who assisted victims in submitting applications provided translations in English for most applications received. To the extent that, in the future, VPRS interlocutors do not have the capacity or resources to continue providing translations,

²⁶ The Registry requests the Chamber's authorisation for the VPRS to continue the use of its household form in the Case, *see infra*, para. 18.

²⁷ If one were to assume that a household form is on average submitted on behalf of four individuals, this would bring the amount of expected applying individuals to 4,000.

application forms received in local languages will have to be sent for translation to the Language Support Section of the Registry before they can be assessed by the VPRS and transmitted on the record of the Case. This, in turn, will impact the pace of the VPRS' legal processing and the timing of its transmissions, as may be ordered by the Chamber.

B. Victim admission process and deadline for submission of applications

Confirmation of the existing procedures

17. The Registry submits that the 'A-B-C Approach' adopted for the admission of victims to participate at the pre-trial proceedings,²⁸ and in all other judicial proceedings presently before ICC Chambers,²⁹ should be maintained for victims' admission to participate at the trial stage.³⁰
18. Furthermore, the Registry respectfully requests the Chamber's authorisation for the VPRS to continue the use of its household form in the Case³¹ (alongside the standard application form for individual victims). The VPRS takes this opportunity to inform the Chamber that it is currently in the process of deploying a new and sustainable electronic version of these forms, which is expected to further streamline the application process.
19. Finally, in terms of documentation that can be used as proof of identity and proof of kinship by victims applying for participation and reparations, the

²⁸ See *supra*, para. 3.

²⁹ See, for example, Trial Chamber I, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, "Decision on victims' participation and legal representation in trial proceedings", 19 October 2021, ICC-02/05-01/20-494; and before that Trial Chamber V, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, "Order Scheduling First Status Conference", 19 March 2020, ICC-01/14-01/18-459, para. 8 (iv).

³⁰ See, for the proposed process, Registry, "Registry Submissions on Matters Related to the Participation of Victims", 2 April 2025, ICC-01/21-01/25-101-Conf, paras. 9-11. A public redacted version was filed on the same date, ICC-01/21-01/25-101-Red.

³¹ See "Registry Submissions on Matters Related to the Participation of Victims", 2 April 2025, ICC-01/21-01/25-101-Conf, paras. 17-18 and Annex I. A public redacted version was filed on the same date, ICC-01/21-01/25-101-Red.

Registry submits that the Chamber may be minded to accept all documents previously approved by PTC I.³²

Deadline for submitting victim applications

20. According to the Chambers Practice Manual, “for purposes of participation during the trial, the Trial Chamber sets a final time limit, at the latest by the end of the Prosecutor’s presentation of evidence, for the transmission of any further application by victims.”³³ However, in view of the large number of victims who expressed their wish to apply for participation in the proceedings, and considering the challenging overall situation as mentioned *supra*,³⁴ the Registry recommends that the transmission of applications to the Chamber (and to the parties for Group C), be done in batches, on a rolling basis, with a “cut-off” date set at the end of trial.
21. The Registry submits that extending the deadline for victims to apply for participation beyond the time limit presently stipulated in the Chamber’s Manual is justified by the current security situation in the Philippines compounded by the operational limitations of the Registry, and the extreme vulnerability of victims.³⁵ It is submitted that extending the application window for trial participation would not compromise the expeditiousness of the proceedings or the rights of the Defence, since Group C applications – the only instance that may require the parties’ attention to victim matters - at such late stages of trial would be an exception. At the same time, the Chamber would

³² Pre-Trial Chamber I, “Order on the conduct of confirmation proceedings”, 17 April 2025, ICC-01/21-01/25-114, para. 62 ; and Decision on victims’ participation and legal representation, para. 18.

³³ Chambers Practice Manual, 21 October 2024, <https://www.icc-cpi.int/about/judicial-divisions/chambers-practice-manual>, para. 97 (iii).

³⁴ See *supra*, paras. 11-14.

³⁵ The Registry notes that extensions were granted in the case *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, due to the conflict in Sudan which hindered the victims’ application process. See “Decision on the Second Registry’s Request to Extend the Time Limit to Submit Victim Applications for Participation”, 16 May 2023, ICC-02/05-01/20-943.

afford victims with the broadest possible application window, making the process as safe, inclusive and victim-centred as possible. Since for many victims participatory status in the trial proceedings will have a strong symbolic value, also their later entry into the proceedings after the end of the Prosecutor's presentation of evidence would be no less meaningful. Specifically the presentation of the Defence case may draw additional heightened attention of victims to the Case and move victims to come forward that had hitherto hesitated to do so.³⁶

22. As for the application submission process to the Chamber, the Registry suggests to provide regular updates on the receipt of application forms and the expected pace of their transmissions.
23. Should the Chamber not be minded to allow the admission of victims to participate until the end of the trial, the Registry submits that, following the expiry of the deadline to transmit applications for participation, it should be authorised to continue collecting (though not filing or transmitting) application forms and/or relevant information from victims for the purposes of potential future reparations proceedings.³⁷

C. Periodic review of the legal representation scheme

24. At the pre-trial stage of the Case, following an extensive consultation conducted by the VPRS with CSOs and legal representatives who have a close relationship with victims and, whenever possible, directly with victims,³⁸ PTC

³⁶ As a final note, the collection of – comprehensive - victim information on application forms at trial has an accelerating effect on victim eligibility assessment processes during a potential reparation phase.

³⁷ See Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, "Decision on request for extension of deadlines for the final transmission of victim applications for participation at trial", 12 June 2020, ICC-01/12-01/18-880, para. 15. This is now also captured in para. 97(iii) of the Chambers Practice Manual.

³⁸ Registry, "Registry Report on the Common Legal Representation of Victims", 20 August 2025, ICC-01/21-01/25-236-Conf. A public redacted version was filed on 1 September 2025, ICC-01/21-01/25-236-Red.

I appointed as common legal representatives of victims in the Case Mr Joel Butuyan, Mr Gilbert Andres, and a counsel from the Office for Public Counsel for Victims (“CLRVs”).³⁹

25. The Registry presently sees no indication that the legal representation of victims scheme decided upon by PTC I would be inappropriate for the continuation of proceedings in the Case. The Registry nevertheless deems important to keep the legal representation of victims under review in order to best meet victims’ needs and their counsel’s concerns.
26. During its upcoming activities, as per its usual practice, the Registry will provide relevant information to applying victims and collect their views on their legal representation, notably through the specific questions in the application form. The Registry will promptly report to the Chamber any information collected that may justify any potential adjustment of the present common legal representation scheme.
27. Moreover, should the Chamber find it appropriate, the Registry could provide:
 - (i) regular reporting to the Chamber on, *inter alia*, the recent activities of the CLRVs and any views and/or concerns expressed by the participating victims and/or the CLRVs;⁴⁰ and (ii) a monitoring mechanism for victims’ access to their counsel including a reporting system for victims of

³⁹ Decision on victims’ participation and legal representation, para. 31 and page 15.

⁴⁰Such regular reports have been ordered by Chambers in other cases, such as in *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, see Trial Chamber V, “Second Decision on Victims’ Participation in Trial Proceedings (Group A)”, 11 December 2020, ICC-01/14-01/18-765, para. 9. See also Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, “Decision on victims’ participation in trial proceedings” 6 February 2015, ICC-01/04-02/06-449, paragraph 24 (ix); Trial Chamber V, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, ‘Decision on victims’ representation and participation’, 3 October 2012, ICC-01/09-01/11-460, paragraph 55 and page 34; and *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*, ‘Decision on victims’ representation and participation’, 3 October 2012, ICC-01/09-02/11-498, paragraph 54 and page 34.

any incident or concern.⁴¹ The Registry stands ready to provide further details if considered appropriate.

⁴¹ See Registry, *The Prosecutor v. Mahamat Said Abdel Kani*, “Registry Report in Relation to the Legal Representation of Victims in Trial Proceedings”, 21 July 2022, ICC-01/14-01/21-424, paras. 24-31. See also *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, “Public redacted version of Annex to the Registry Report on Legal Representation of Victims”, 7 October 2022, ICC-01/14-01/22-98-Anx-Red, paras. 81-84.