

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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Date: 20 August 2025

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

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

**Public
With confidential Annex**

Public redacted version of “Registry Report on Group C Applications for Victim Participation in Pre-Trial Proceedings”, 20 August 2025

Source: Registry

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I. Introduction

1. On 17 April 2025, Pre-Trial Chamber I (“Chamber”) issued the “Order on the conduct of confirmation proceedings” (“Order”)¹ by which it adopted, *inter alia*, the procedure for the admission of victims to participate in the case of *The Prosecutor v. Rodrigo Roa Duterte* (“Duterte case” or “Case”), as set out in paragraph 96 of the Chambers Practice Manual² (“A-B-C Approach”).³ The Registry was instructed to transmit Group A and B applications to the Chamber, by no later than 27 August 2025, and Group C applications, to the Chamber and the parties, by no later than 20 August 2025.⁴
2. In line with the Chamber’s instructions, the Registry hereby submits its assessment report of a sample of ten applications classified as Group C, which includes:
 - An overview of the steps taken by the Registry to organise the victim application process;
 - Information regarding the victims’ applications received;
 - A brief description of the assessment criteria applied; and
 - Submissions on Group C applications.
3. The sample of applications covered by the present report is listed in its annex and transmitted, under a separate cover, to the Chamber and the parties.

¹ Pre-Trial Chamber I, “Order on the conduct of confirmation proceedings”, 17 April 2025, ICC-01/21-01/25-114.

² 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 applicants into three categories: (i) applicants who clearly qualify as victims (“Group A”), (ii) applicants who clearly do not qualify as victims (“Group B”); and (iii) applicants for whom the Registry could not make a clear determination for any reason (“Group C”).

³ Order, para. 55.

⁴ Order, para. 56.

II. Procedural History

4. On 7 March 2025, the Chamber issued a warrant of arrest for Rodrigo Roa Duterte (“Mr Duterte”) pursuant to article 58 of the Rome Statute (“Statute”).⁵
5. On 12 March 2025, Mr Duterte was surrendered to the Court⁶ and a hearing for his first appearance before the Chamber was convened on 14 March 2025.⁷ During this hearing, the Chamber announced that the confirmation of charges hearing in the Case was provisionally scheduled to begin on 23 September 2025.⁸
6. On 2 April 2025, pursuant to a Chamber’s order,⁹ the Registry made submissions on: (i) the admission process for applicants seeking to participate in proceedings; (ii) application forms for participation; (iii) identity documents available in the Republic of the Philippines (“Philippines”); and (iv) legal representation of victims (“Submissions on Victim Participation”).¹⁰
7. On 17 April 2025, the Chamber issued the Order.¹¹
8. [Redacted].¹²
9. [Redacted].¹³

⁵ Pre-Trial Chamber I, “Warrant of Arrest for Mr Rodrigo Roa Duterte”, 7 March 2025, ICC-01/21-83. The warrant of arrest was reclassified as public on 11 March 2025.

⁶ ICC Press Release, “Situation in the Philippines: Rodrigo Roa Duterte in ICC custody”, 12 March 2025, <https://www.icc-cpi.int/news/situation-philippines-rodrigo-roa-duterte-icc-custody>.

⁷ Pre-Trial Chamber I, “Decision convening a hearing for the first appearance of Mr Rodrigo Roa Duterte”, 13 March 2025, ICC-01/21-01/25-90.

⁸ Transcript of hearing – Initial Appearance, 14 March 2024, ICC-01/21-01/25-T-002-ENG, p. 10, lines 10-11.

⁹ Pre-Trial Chamber I, “Order seeking observations on matters related to the conduct of confirmation proceedings”, 21 March 2025, ICC-01/21-01/25-94.

¹⁰ Registry, “Registry Submissions on Matters Related to the Participation of Victims”, 2 April 2025, ICC-01/21-01/25-101-Conf-Exp. A public redacted version was filed on the same date, ICC-01/21-01/25-101-Red.

¹¹ See *supra*, fn. 1.

¹² [Redacted].

¹³ [Redacted].

III. Classification

10. Pursuant to regulation 23bis(1) of the Regulations of the Court (“RoC”), this report is classified as “confidential *ex parte* Registry only” since it contains sensitive information [Redacted]. The annex to the present report is classified as confidential.
11. The Registry will concomitantly file confidential redacted and public redacted versions of the present report.

IV. Applicable Law

12. The Registry submits the present report in accordance with article 68(1) and (3) of the Statute, rules 85 and 89 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

V. Submissions

A. Overview of the application process

13. The Victims Participation and Reparations Section (“VPRS”), jointly with the Public Information and Outreach Section (“PIOS”) liaised with relevant sections of the Registry [Redacted].
14. [Redacted]¹⁴¹⁵¹⁶¹⁷
15. Immediately after the arrest of Mr Duterte, the VPRS reached out to the networks [Redacted] victims in submitting representations in the Articles

¹⁴ [Redacted].

¹⁵ [Redacted].

¹⁶ [Redacted].

¹⁷ [Redacted].

15(3)¹⁸ and 18(2)¹⁹ victim consultation processes. Extensive meetings and consultations were conducted with these [Redacted] to ensure transparency and inclusivity of victims' views at every step of the process. The VPRS informed them about victims' rights at the current stage of proceedings, consulted them on the methodology and design of the victims' participation process, the tools to be used (i.e., the individual and the household form) [Redacted]. The Section also posted on the ICC website information for victims,²⁰ questions and answers,²¹ the application form for individuals in Tagalog, Cebuano, English and French, and guidelines on how to fill in the form.²²

16. [Redacted].²³ Between May and July 2025, the VPRS participated [Redacted]. In these meetings, the VPRS: *i*) informed [Redacted] right to apply for participation in the *Duterte* case and what participation entails; *ii*) answered their questions; and *iii*) consulted them on various aspects, including, most notably, on legal representation.²⁴
17. [Redacted] on how to fill in the individual and the household form, and, throughout the entire process, it answered questions and provided assistance [Redacted].

B. Applications received

¹⁸ For detailed information on the Article 15(3) victims' consultation exercise conducted by the VPRS between 15 June and 13 August 2021 see Registry, Annex I to "Registry Report on Victims' Representations", 27 August 2021, ICC-01/21-11-AnxI-Conf. A public redacted version was issued on the same date, ICC-01/21-11-AnxI-Red.

¹⁹ For detailed information on the Article 18(2) victims' consultation exercise: *i*) before the Pre-Trial Chamber, carried by the VPRS between 12 July and 8 September 2022, see Registry, Annex I to "Registry Report on Article 18(2) Victims' Representations", 22 September 2022, ICC-01/21-55-AnxI-Conf. A public redacted version was issued on the same date, ICC-01/21-55-AnxI-Red; and *ii*) before the Appeals Chamber, see Registry, Annex I to "Registry Report on Article 18(2) Victims' Representations in Appeals Proceedings", 22 May 2023, ICC-01/21-75-AnxI-Conf. A public redacted version was issued on the same date, ICC-01/21-75-AnxI-Red.

²⁰ <https://www.icc-cpi.int/victims/duterte-case>.

²¹ <https://www.icc-cpi.int/sites/default/files/2025-07/Duterte%20Case%20Key%20Messages.pdf>.

²² <https://www.icc-cpi.int/about/victims/victim-application-forms>.

²³ [Redacted].

²⁴ Detailed information on all consultations on (common) legal representation are included in the "Registry Report on the Common Legal Representation of Victims", 20 August 2025.

18. In light of the deadlines set in the Order for the transmission of applications to the Chamber, i.e. 20 and 27 August 2025, the VPRS invited victims and their representatives to submit application forms to the VPRS by no later than 3 August 2025.
19. [Redacted].
20. In all meetings held between Mr Duterte's arrest and July 2025, [Redacted] consistently and repeatedly emphasised that it is paramount for victims to receive clear and timely information on the scope of the *Duterte* case in order to be able to make an informed decision about whether they wish to submit an application for participation in the confirmation of charges hearing. They highlighted that victims are deeply committed to the pursuit of justice, as shown by their active participation in all previous proceedings at the Situation stage, and the vast majority of them are willing [Redacted] re-tell their stories in application forms in order to contribute meaningfully to the proceedings.²⁵ However, this willingness is predicated on the understanding that their efforts will not be in vain. [Redacted] informed the VPRS, from an early stage, that they would [Redacted] completing forms only after 4 July 2025, once the DCC is issued.
21. For the VPRS to fully and meaningfully implement its mandate, it must be in a position to reach out to survivors who may be eligible to participate before the Court, and provide clear information about the scope of the Case.²⁶ [Redacted].
22. [Redacted].^{27,28} [Redacted].

²⁵ [Redacted].

²⁶ In the Submission on Victims' Participation, the VPRS highlighted that it needs "sufficient time [...] to collect and submit victim applications after the submission of the DCC" – see para. 12. The Chamber acknowledged this request and ordered the OTP to issue the DCC 48 days before the deadline for the VPRS to submit group C applications.

²⁷ [Redacted].

²⁸ [Redacted].

23. Against this background, the VPRS received 303 application forms²⁹—a limited figure compared to the number of WoD victims who wish to participate in the case.³⁰ [Redacted].

C. Assessment criteria

24. In conducting its *prima facie* assessment in accordance with the Order, the VPRS verified that applicants have met the following criteria:

- i. Their identity as natural persons is established;
- ii. They suffered harm;
- iii. The harm suffered is the result of crimes Mr Duterte is charged with.

25. In relation to point i. above, the VPRS notes that applications may contain minor discrepancies pertaining to, *inter alia*, the spelling of the applicants' names or their age or date of birth. In these cases, in line with well-established case law, the VPRS applied a degree of flexibility and considered that the discrepancies present in these applications do not call into question the overall credibility of the information provided by the applicant.

26. More details about the assessment criteria applied in relation to Groups A and B applications will be provided in the report due on 27 August 2025.

D. Submissions on Group C applications

a. Clarification sought regarding completeness of applications

Proof of identity

27. In addition to the list of documents approved in the Order as proof of identity, the VPRS encountered in victim application forms the following documents: *i*) voter's identification card issued by the commission on elections; *ii*) [Redacted]

²⁹ This number includes all applications for participation received as of 15 August 2025, whether or not they fall within the scope of the Case (excluding duplicates and applications for reparations only). The first forms were received on 25 July 2025.

³⁰ Many [Redacted] reported that victims prefer to apply for participation at a later stage once they know the scope of the charges against Mr Duterte.

citizen card issued by [Redacted]; *iii*) other types of cards issued by the Department of Social Welfare and Development (“DSWD”);³¹ *iv*) barangay identification card; *v*) barangay employment card; *vi*) social security system member data change request; and *vi*) certificate of permission to receive the sacrament of baptism.³² The VPRS notes that all these types of documents are issued by public authorities, contain their stamps and signatures and/or are sufficiently close in format and scope to the documents previously approved by the Chamber. Therefore, the VPRS recommends that these document types are also approved by the Chamber as sufficient proof of identity.

28. Furthermore, the VPRS notes that some of the forms received are supported by affidavits certified by a lawyer from the Public Attorney’s Office, by a prosecutor from the Public Prosecutor Office or by a public notary.³³ It is not VPRS practice to require or encourage the use of any documents that would

³¹ The list approved by the Chamber currently includes only the “Solo parents ID card” issued by DSWD.

³² At the time of the drafting of this report, the legal assessment of the applications received is ongoing. Therefore, this list might not be exhaustive.

³³ According to information received from a VPRS interlocutor: “In the Philippines, documents signed and stamped by public attorney or public prosecutors have the same weight as notarized documents. Notaries, public attorneys and public prosecutors have the same powers to administer oaths on documents that need to be sworn to. Section 41 of the Administrative Code of 1987. Officers Authorized to Administer Oath: (1) The following officers have general authority to administer oath: Notaries public, members of the judiciary, clerks of courts, the Secretary of the either House of the Congress of the Philippines, of departments, bureau directors, registers of deeds, provincial governors and lieutenant-governors, city mayors, municipal mayors and any other officer in the service of the government of the Philippines whose appointment is vested in the President. (2) Oaths may also be administered by any officer whose duties, as defined by law or regulation, require presentation to him of any statement under oath. Public prosecutors and [Public Attorney’s Office (“PAO”)] lawyers clearly fall under the above provisions, as their duties by law include administering oaths for affidavits in criminal and administrative proceedings. Rule 112, Section 3(a) of the Rules of Criminal Procedure further provides:

Section 3. Procedure. — The preliminary investigation shall be conducted in the following manner: (a) The complaint shall state the address of the respondent and shall be accompanied by the affidavits of the complainant and his witnesses, as well as other supporting documents to establish probable cause. They shall be in such number of copies as there are respondents, plus two (2) copies for the official file. The affidavits shall be subscribed and sworn to before any prosecutor or government official authorized to administer oath, or, in their absence or unavailability, before a notary public, each of who must certify that the personally examined the affiants and that he is satisfied that they voluntarily executed and understood their affidavits. These provisions, read together, make it clear that an affidavit sworn before a prosecutor or authorized government official — such as a PAO lawyer — is fully valid and has the same legal effect, for purposes of criminal and administrative proceedings, as if notarized before a notary public.”

impose a financial burden on victims, including notarized declarations that require payment for issuance. It is for this reasons that declarations from two witnesses supported by the identity documents of said witnesses have been consistently proposed by the VPRS across cases and situations as a document that can be used to prove identity. In the present case, when application forms are supported by declarations or sworn statements certified by the authorities mentioned above (i.e. lawyer from the Public Attorney's Office, prosecutor from Public Prosecutor Office, public notary), the VPRS recommends that they are accepted as proof of identity and, at the very minimum, as proof of kinship in line with para. 30 below.

Proof of kinship

29. In the Order, the Chamber accepted the documents proposed by the Registry³⁴ as **proof of identity** [*emphasis added*] for applicants and those acting on their behalf.³⁵ With respect to declarations signed by two witnesses and accompanied by the identity documents of such witnesses, the Chamber held that “should applicants rely on such signed and witnessed declarations or any documents other than those accepted above, the Chamber will decide whether to accept such documents on an *ad hoc* basis, upon receipt of the Registry's assessment and recommendations.”³⁶
30. The VPRS would like to seek clarification whether the above decision applies only in relation to establishing the identity as natural persons of the applicants or individuals acting on their behalf, or if it extends to proof of kinship. The Registry submits that, considering the *prima facie* standard of proof applicable to victims' participation, the standards for proving kinship may be lower than the one for proving identity. Accordingly, the VPRS recommends that declarations signed by two witnesses, accompanied by copies of their identity documents, be deemed sufficient to establish proof of kinship in all relevant

³⁴ Submissions on Victim Participation, paras. 19-21.

³⁵ Order, para. 62.

³⁶ Order, para. 63.

circumstances. Furthermore, the VPRS recommends that other documents mentioned in para. 28 above be accepted as proof of kinship when provided by applicants regardless of whether they are accepted by the Chamber as proof of identity.

b. Scope of the case

31. In the Order, the Chamber instructed the Registry to “assess all victim applications received [...] against the charges alleged in the DCC and the related PCB.”³⁷

c. Categories of Group C applications based on the scope of the Case

32. [Redacted].

33. [Redacted].^{38 39}

34. [Redacted].

d. Sample of Group C applications

35. Given the high number of applications and the limited time the VPRS had at its disposal to: *i*) register; *ii*) perform data entry; *iii*) request translations, when applicable; *iv*) conduct preliminary legal assessment and quality checks; *v*) apply redactions; and *vi*) prepare the applications for transmission to the Chamber and the parties, the VPRS is transmitting a limited sample of the Group C applications received to date.⁴⁰

36. Depending on the Chamber’s decision on the Group C sample and if instructed to do so, the VPRS stands ready to transmit all remaining Group C applications to the Chamber as Group A or B applications within the deadline to be decided by the Chamber.

e. Victims’ voices

³⁷ [Redacted].

³⁸ [Redacted].

³⁹ [Redacted].

⁴⁰ [Redacted].

37. Finally, in view of the fact that the VPRS is transmitting only a sample of Group C applications, it has extracted a small selection of quotes from the Group C applications that are not being transmitted, to ensure that the voices of these survivors are also conveyed to the Judges prior to their decision on victim participation in the Case:

- *Even in death [my son] was not treated with dignity. [...] It was like they just threw my son in like a pig. [...] [My] son was already dead, yet it felt like [he] was still being killed - not just by the injustice of his death but by the indifference of those in power. [...] To this day, the pain has not faded. The wounds of losing [my son] are reopened with every memory of his passing. And the question that continues to haunt them remains: will justice ever be served?⁴¹*
- *I am very angry; why it happened to us, why "tokhang" killings happened and rob[bed] children of their parents and their future in general. [...] When our parents died, no one supported us anymore except our relatives but they were also poor like us and have their own families to feed. So even if we were children then, we had to work also.⁴²*
- *To be honest, I voted for Duterte. I liked his policy. But I didn't know that his policy was that of death. [...] After what had happened to my son, the killings [in our area] continued until 2020. There were many more. Many more victims wish to come forward, however, some are no longer part of the coverage. [...] I am alone in the world, I feel like I can never move on.⁴³*
- *I was distraught when they killed my [Redacted] sons. My grief and sadness worsened when they even detained the last son I have [...], after the incident, because I was afraid that they would do the same thing to my last son and I feared that I would have no son anymore. I also feared for myself because [Redacted] [...] As a result, I was forced [Redacted] [...]. In [Redacted], the effects of the incident on me started to manifest. I would cry while eating so I*

⁴¹ a/50002/25

⁴² a/50129/25.

⁴³ a/50027/25.

could not eat properly until I would lose my appetite. [...] I had sleepless nights; there were times that the sun was already up yet I was still awake. Eventually, I got sick of [Redacted] and I lost seven kilos. [...] Because I got ill, I was unemployed for [Redacted] so I largely depended on my sibling and for this, I was deeply ashamed for being a burden. Now, I am still suffering from trauma. Whenever I see a patrol car, I get afraid because I would imagine the bodies of my [Redacted] sons thrown into a patrol car that day. Whenever I see a police officer, I would be enraged.⁴⁴

- [My nephew] said that he heard the armed men [say before] they proceeded to shoot: 'Ulohan niyo na yan' which translates to shoot them in the head, just to make sure that no one could witness or testify with regard to the incident.⁴⁵
- The victim want[s] to seek justice for her son in a discreet way as her family also [do] not know of this process; even her relatives who are still very supportive of the Dutertes can be threat to her safety if they'd know. She feels she could not get justice by relying the local court. [...] She fears for their safety, there were times she would see drones above their house and afraid that the police might be doing surveillance. [Redacted].⁴⁶
- Depression and prolonged grief was felt. The mother [of the direct victim] also had a stroke. [Redacted] is greatly affected because of the stroke. Her source of income [...] was also cut off. [...] Up to know, mother had trouble sleeping. [...] [T]he brother of the EJK victim also suffered trauma. Every time he sees a police officer, he feels fear and would duck out, hide and get away for fear that something might happen to him, too. They also had transferred residence [...].⁴⁷
- [T]he memory still lingers even up to this day; it is still very painful. [...] [A]t first, after it happened, the youngest sister who was just very small had to be left [with] the elder sister (also still a child then) to be taken care of so the mother can look for help and process papers for the burial of the son; the children then

⁴⁴ a/50123/25.

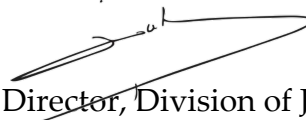
⁴⁵ a/50011/25.

⁴⁶ a/50341/25.

⁴⁷ a/50346/25.

were at times neglected. [...] [The applicant] acquired too many debts for son's burial. [...] Tremendous effect was seen on the brother who witnessed the event [...].⁴⁸

- *Since the incident, my family has lived in fear, choosing silence over legal action. The looming threat of police retaliation has prevented us from seeking justice.*⁴⁹
- *I want justice more than anything. I am aware that [my brother] used drugs, but this is not a reason for the police to kill him without due process. He was a good and loving person and could have been rehabilitated if given the chance.*⁵⁰
- *The family did not pursue a case, knowing they will not win. [The applicant's father] said, "You know Duterte. Even lawyers--if you are a lawyer of a drug case, you will be killed by Duterte. They even indicated that my son, who was not even a user, as drug lord? How can he be a drug lord? He even asks money from me for snacks."*⁵¹
- *[The applicant wants to participate in the ICC proceedings] [t]o contribute to truth-telling and seek justice not just for her four sons but for other sons and children who are easily killed by the DDS as ordered by Duterte.*⁵²
- *[The applicant] wishes to make the situation and injustices of the era known to the world and obtain personal justice and redress as well as support for the other victims.*⁵³



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

Dated this 20 August 2025

At The Hague, The Netherlands

⁴⁸ a/50344/25.

⁴⁹ a/50206/25.

⁵⁰ a/50177/25.

⁵¹ a/50277/25.

⁵² a/50347/25.

⁵³ a/50159/25.