

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/21-01/25

Date: 29 October 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**

**Public Redacted Version of “First Registry Report on Group A and C Applications
for Victim Participation in Trial Proceedings”, 29 October 2026**

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. Pursuant to the oral instruction issued by Trial Chamber III (“Chamber”) during the status conference held on 27 May 2026 (“Oral Ruling”),¹ the Registry hereby submits its assessment report of:
 - i) 46 complete applications classified as Group A;
 - ii) Four complete applications classified as Group C.
2. The present report includes: (i) submissions on the scope of the case of *The Prosecutor v. Rodrigo Roa Duterte* (“Duterte case” or “Case”) (Section A); (ii) a brief description of the assessment criteria applied (Section B); (iii) submissions on Groups A and C applications² (Sections C and D); and (iv) information about next transmissions of victim applications (Section E).
3. The Group A applications covered by the report are listed in the Annex to the present report and transmitted, under separate cover, to the Chamber.³
4. The Group C applications covered by the report are listed in the Annex to the present report and transmitted, under separate cover, in original version to the Chamber and, in redacted version, to the parties.⁴

II. Procedural History

5. On 23 April 2026, Pre-Trial Chamber I (“PTC”) issued its “Decision on the confirmation of charges against Mr Rodrigo Roa Duterte” (“Confirmation

¹ Transcript of 27 May 2026, ICC-01/21-01/25-T-009-CONF-ENG (“Transcript”), p.38, lines 21-23; p. 44, lines 20-21 and p.45, lines 23-25. The public redacted version of the transcript was notified on 12 June 2026 (ICC-01/21-01/25-T-009-Red-ENG).

² See ICC, “Chambers Practice Manual”, 21 October 2024, <https://www.icc-cpi.int/about/judicial-divisions/chambers-practice-manual> (“Chambers Practice Manual”), para. 96 (iv). Under the A-B-C Approach, the Registry classifies 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 (“Group B”); and (iii) applicants for whom the Registry could not make a clear determination for any reason (“Group C”).

³ Chambers Practice Manual, para. 96 (v).

⁴ Chambers Practice Manual, para. 96 (vi).

Decision”) by which it unanimously confirmed the charges brought by the Office of the Prosecutor (“Prosecution”) against Mr Duterte and committed him to trial.⁵

6. On 15 May 2026, following a Chamber’s Order,⁶ the Registry, through its Victims Participation and Reparations Section (“VPRS”), filed an update and forecast regarding victim applications in the Case (“VPRS Update and Forecast”).⁷
7. On 27 May 2026, in its Oral Ruling, the Chamber, *inter alia*:
 - i. scheduled the commencement of the trial for 30 November 2026;⁸
 - ii. established the deadline for the transmission of applications for victim participation in proceedings and reparations by the VPRS to the Chamber at the end of the Prosecution’s presentation of evidence;⁹
 - iii. authorized the use of the procedure for the admission of victims to participate in the Case as set out in paragraph 96 of the Chambers Practice Manual¹⁰ (“A-B-C Approach”);¹¹
 - iv. authorized the use of individual and household victim application forms;¹² and

⁵ Pre-Trial Chamber I, “Decision on the confirmation of charges against Mr Rodrigo Roa Duterte”, 23 April 2026, ICC-01/21-01/25-417-Conf. A public redacted version was issued on the same date (ICC-01/21-01/25-417-Red). See also, Press Release “ICC Pre-Trial Chamber I confirms all charges against Rodrigo Roa Duterte and commits him to trial”, 23 April 2026, <https://www.icc-cpi.int/news/icc-pre-trial-chamber-i-confirms-all-charges-against-rodrigo-roa-duterte-and-commits-him-trial>. According to the press release, Pre-Trial Chamber I confirmed **all** charges [*emphasis added*] and committed Mr Duterte for trial in relation to alleged crimes committed **between 1 November 2011 and 16 March 2019** [*emphasis added*].

⁶ Trial Chamber III, “Order Scheduling First Status Conference”, 30 April 2026, ICC-01/21-01/25-423.

⁷ Registry, Annex II to “Registry Submissions in View of the Upcoming Status Conference in accordance with ‘Order Scheduling First Status Conference’ (ICC-01/21-01/25-423)”, 15 May 2026, ICC-01/21-01/25-438-Conf-Exp-Anx2. A public redacted version of Annex II was issued on the same date (ICC-01/21-01/25-438-Anx2-Red).

⁸ Transcript, p. 46, lines 12-15.

⁹ Transcript, p. 45, lines 23-25.

¹⁰ 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”).

¹¹ Transcript, p. 45, line 25.

¹² Transcript, p. 44, line 20.

- v. authorized victims who participated in the pre-trial proceedings to continue participating at the trial stage.¹³

8. On 9 October 2026, the Chamber issued the “Decision on the Defence’s motions on the charges” (“9 October Decision”), in which it made determinations on the scope of the Case relevant for the victims’ participation in the present proceedings.¹⁴

III. Classification

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

IV. Applicable Law

11. The Registry submits the present report in compliance with the Oral Ruling.

V. Submissions

A. Scope of the case

12. The VPRS recalls that, at the pre-trial stage of proceedings, it assessed as Group A 251 applications falling in one of the two following categories:
 - i) Applications reporting murders and attempted murders committed in or around Davao City between 1 November

¹³ Transcript, p. 44, lines 21-22.

¹⁴ Trial Chamber III, “Decision on the Defence’s motions on the charges”, 9 October 2026, ICC-01/21-01/25-519-Conf. A public redacted version was issued on the same date (ICC-01/21-01/25-519-Red).

2011 and 30 June 2016 (mayoral period), in the context of the so-called “War on Drugs” (“WoD”); and

- ii) Applications reporting murders and attempted murders committed anywhere in the Philippines between 30 June 2016 and 16 March 2019 (presidential period), in the context of the WoD.

13. In the Confirmation Decision, the PTC analysed the scope of the charges¹⁵ and held that the list of 49 incidents contained in the “Document Containing the Charges” (“DCC incidents”) ¹⁶ is not exhaustive, but rather comprises “illustrative examples”¹⁷ of the alleged criminal acts underlying the charges of murder and attempted murder as crimes against humanity. In the operative part of the Confirmation Decision, the PTC referred to the period of 1 November 2011 to 16 March 2019 as the “charged period” with the period from 1 November 2011 to 30 June 2016 referred to as the “mayoral period” and from 30 June 2016 to 16 March 2019 as the “presidential period”.¹⁸ The PTC subsequently listed the DCC incidents and, in the final lines of the operative part, summarised the three counts by reference to the incidents falling under each count, using the dates of those incidents to specify the respective temporal periods covered by each count.

14. The “VPRS Update and Forecast”, referred to the VPRS understanding of the scope of the Case at trial and submitted that all victims authorised to participate in the proceedings by the PTC fall within the scope of the Case and continue to participate at the trial stage of the proceedings.¹⁹ The submissions were based on the PTC’s reasoning as a whole; the VPRS interpreted the scope of the Case by reference to the broader categories of alleged criminal acts, their temporal parameters and their geographical context, rather than limiting it to the specific “illustrative” incidents enumerated in the operative part.

¹⁵ Confirmation Decision, paras. 14- 24.

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

¹⁷ *Id.*, para. 23.

¹⁸ *Id.*, paras 1 and 3 - pages 41-42; paras. 20-23 – page 45. See also *supra*, para. 12, *lit.* i) and ii).

¹⁹ VPRS Update and Forecast, paras. 8 and 9.

15. In light of the 9 October Decision,²⁰ the VPRS understands the scope of the *Duterte* case at trial to only cover the following categories of crimes:

- i. murders committed in Davao City between 2013 and around June 2016 (mayoral period), in the context of the WoD (Count 1);
- ii. murders of “High-Value Targets” in locations across the Philippines between around July 2016 and July 2017 (presidential period) in the context of the WoD (Count 2);
- iii. murders and attempted murders in barangay clearance operations in locations across the Philippines between around July 2016 and September 2018 (presidential period) in the context of the WoD (Count 3).

16. This implies that the following categories of crimes now fall outside the scope of the *Duterte* case: *i)* murders committed in Davao City between 1 November 2011 and 31 December 2012; *ii)* attempted murders committed in or around Davao City during the mayoral period; *iii)* murders committed “around Davao City” during the mayoral period; *iv)* murders of “High-Value Targets” committed in locations across the Philippines, during the presidential period, after July 2017; *v)* attempted murders of “High-Value Targets” in locations across the Philippines during the presidential period; *vi)* murders and attempted murders in barangay clearance operations, in locations across the Philippines during the presidential period, after September 2018. Unless instructed otherwise, the VPRS will assess applications reporting these types of crimes as Group B applications.

17. The VPRS has reviewed the applications of the participating victims in light of the above scope adjustment. As a preliminary result, it has assessed that at least 13 applications out of the 251 authorized to participate at the pre-trial phase (corresponding to 16 participating victims out of 539), fall outside the scope of the Case. [Redacted].²¹ However, at present, the VPRS is not in a position to distinguish

²⁰ 9 October Decision, paras. 45-52.

²¹ [Redacted].

between murders of “High-Value Targets” (Count 2) and murders in barangay clearance operations (Count 3) [Redacted].²²

18. Following the Chamber’s decision on the present submissions and any clarifications the Chamber may find appropriate to provide regarding the scope of the Case, the VPRS will: *i)* finalize its review pursuant to paragraph 97 of the Chamber’s Practice Manual; *ii)* report to the Chamber accordingly; and *iii)* assess and transmit as Group B any applications that were authorized to participate in the pre-trial proceedings but that fall outside the scope of the Case at trial.

B. Assessment criteria

19. In conducting its *prima facie* assessment, 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.

20. 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, their age or date of birth. In these cases, 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 applicants.

21. In reference to point *iii.* above, the VPRS considers, subject to its submissions on the scope of the Case above,²³ that the following categories of applications clearly fall within the scope of the Duterte case:

- i.* murders committed in Davao City between 2013 and around June 2016 (mayoral period), in the context of the WoD;

²² [Redacted].

²³ See *supra*, paras. 15-16.

- ii.* murders of “High-Value Targets” in locations across the Philippines between around July 2016 and July 2017 (presidential period) in the context of the WoD;
- iii.* murders and attempted murders in barangay clearance operations in locations across the Philippines between around July 2016 and September 2018 (presidential period) in the context of the WoD.

All other applications that do not fall under one of the three categories above are assessed by the VPRS as either Group B (clearly out) or Group C (unclear).

22. With respect to murders committed during the presidential period, as also explained in paragraph 17 above, the VPRS is working on [Redacted]. For the purpose of the present report, the VPRS considers that all applications assessed as Group A fall inside categories *i.* and/or *iii.* listed in paragraph 21 above. The VPRS will review its assessment as needed and inform the Chamber accordingly.
23. Finally, where multiple applications were submitted by the same applicant (*i.e.* so called “duplicates”), the VPRS consolidated them and conducted its assessment based on the overall account and details provided in the consolidated file.

C. Submissions on Group A applications

24. Since its last transmission of Group A applications at the pre-trial stage,²⁴ the VPRS received 62 victim applications.
25. Furthermore, approximately 80 applications for participation in the proceedings received during the pre-trial stage have not been transmitted to the PTC, because they were assessed by the VPRS as either: *i)* incomplete, and the requested

²⁴ Registry, “Second Registry Transmission of Group A Applications for Victim Participation in the Trial Proceedings”, dated 9 February 2026 and notified on 11 February 2026, ICC-01/21-01/25-371.

supplementary information had not been received; or *ii*) as falling within Groups B or C applications.²⁵

26. The present report refers to both *i*) applications received after 9 February 2026 and *ii*) applications received during the pre-trial stage that were previously assessed as incomplete and for which the VPRS received supplementary information.
27. The Registry notes that the number of applications for participation and/or reparations received to date remains low compared with both the number of WoD victims and the projected number of victim applications set out in the “VPRS Update and Forecast”.²⁶ The limited number of victim applications received to date may be attributable to several factors, including:

- i*) [Redacted].
- ii*) The VPRS’ inability to directly assist victims in submitting applications for participation and reparations. This situation is attributable to [Redacted] and the Section’s limited human and financial resources in light of multiple competing assignments/situations. As previously reported, thus far, the VPRS has carried out its activities [Redacted].
- iii*) [Redacted].

Initiatives are underway to improve the resource situation for relevant activities, and importantly extend the reach to affected victim communities, [Redacted].

D. Submissions on Group C applications

28. The VPRS is not in a position to make a clear determination as to the status of four applications because it either remains unclear whether or not: *i*) the personal harm reported by the applicants resulted from a crime falling within the parameters of

²⁵ See also “VPRS Update and Forecast”, para. 5.

²⁶ *Id.*, para. 13. However, the VPRS notes that said number was provided based on the understanding of the scope of the Case as presented in para. 14 above.

the Case; or *ii*) the applicants fall within the established categories of indirect victims.

29. Once the Chamber issues a decision on these applications, the VPRS will reassess all applications presenting similar issues and will transmit them accordingly as Group A or Group B.

i. Victims of murders committed “around July 2016”

30. The VPRS received eight applications alleging murders committed in various locations in the Philippines, other than Davao City, in June 2016, [Redacted].^{27 28 29}

^{30 31 32 33}

31. The VPRS notes however that the temporal scope for Counts 2 and 3 starts “*around July 2016*” [*emphasis added*]. Therefore the VPRS seeks the Chamber’s guidance, since it is unclear whether this temporal scope also includes murders committed in June 2016.

32. Application a/50008/25 is transmitted as part of Group C³⁴ to illustrate this issue.

ii. Victims of disappearances consistent with WoD killings

33. The VPRS has received application a/50226/25 in which the applicant alleges to have suffered harm as a result of the disappearance of the direct victim in circumstances consistent with the WoD.

34. It is however unclear if the VPRS can legally qualify as murders cases of disappearance of a direct victim that occurred in circumstances consistent with the pattern of killings associated with the WoD, and in which the family has no

²⁷ [Redacted].

²⁸ [Redacted].

²⁹ [Redacted].

³⁰ [Redacted].

³¹ [Redacted].

³² [Redacted].

³³ [Redacted].

³⁴ The VPRS notes that the present sample includes only applications that were assessed as complete. The Section requests supplementary information or documentation to complete a form only where the application clearly falls within the scope of the Case. This approach is intended to avoid requesting additional information or documentation from victims who may ultimately not be eligible to participate in the proceedings.

evidence of life of the direct victim (i.e. since more than 10 years), despite reasonable efforts to find out what happened to the victim.

35. The VPRS seeks the Chamber's guidance on whether, in such cases, it may rely on a presumption of death and assess the applications as falling within the scope of the Case, notwithstanding the absence of proof of death. If such approach was approved by the Chamber, the VPRS would need further guidance on the appropriate temporal threshold for relying on such a presumption.³⁵

iii. Indirect victims

36. The VPRS notes the four categories of indirect victims that have been consistently recognised in the case law of the Court: i) family members of direct victims; ii) anyone who attempted to prevent the commission of one or more crimes; iii) individuals who suffered harm when helping or intervening on behalf of direct victims; and iv) other persons who suffered personal harm as a result of charged crimes.³⁶ More recently, "individuals who witnessed the commission of the crimes" were also recognized as a distinct category of indirect victims.³⁷

³⁵ The VPRS notes that under Philippine law, no specific temporal threshold triggers a presumption of death for criminal-law purposes in cases of enforced disappearance. Section 21 of Republic Act No. 10353 (Anti-Enforced or Involuntary Disappearance Act of 2012) treats enforced disappearance as a continuing offence for as long as the perpetrators continue to conceal the fate and whereabouts of the disappeared person and the circumstances have not been determined with certainty. For civil-law purposes, Articles 390–391 of the Civil Code (Republic Act No. 386) provide for presumptions of death after seven years of absence in general circumstances (or ten years for purposes of opening succession, reduced to five years if the person disappeared after reaching 75 years of age) and after four years in specified circumstances involving danger of death. Separately, Article 41 of the Family Code (Executive Order No. 209) requires four years of absence, or two years in specified circumstances involving danger of death, and a judicial declaration of presumptive death before a subsequent marriage. The applicable threshold therefore depends on the purpose for which the presumption is invoked and the circumstances of the disappearance; none of these periods automatically establishes the fate of a person subjected to enforced disappearance.

³⁶ Appeals Chamber, *The Prosecutor v Thomas Lubanga Dyilo*, "Judgment on the appeals against the 'Decision establishing the principles and procedures to be applied to reparations' of 7 August 2012 with Amended Order for Reparations (Annex A) and public annexes 1 and 2", 3 March 2015, ICC-01/04-01/06-3129, paras 190–191 and Annex A, ICC-01/04-01/06-3129-AnxA, para. 6b; Trial Chamber VI, *The Prosecutor v Bosco Ntaganda*, "Reparations Order", 8 March 2021, ICC-01/04-02/06-2659, para. 36; Trial Chamber IX, *The Prosecutor v Dominic Ongwen*, "Reparations Order", 28 February 2024, ICC-02/04-01/15-2074, para. 128.

³⁷ Trial Chamber X, *The Prosecutor v Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, "Reparations Order", 28 April 2026, ICC-01/12-01/18-2782, para. 68.

37. To date, all indirect victims authorized to participate in the Case fall inside the first category listed above – family members of direct victims.

a) Individuals who witnessed the commission of crimes and persons with a pre-existing relationship with direct victims

38. The VPRS received application a/40039/26 which is submitted by a neighbour of a direct victim of murder. The applicant personally observed the alleged perpetrators proceeding towards the victim's house and, "after a few moments", heard "several consecutive gunshots", followed by [Redacted] shouting that the victim was killed. The applicant claims to have suffered "immense fear and trauma [...] from any loud noises and bangs."

39. This application raises a question as to the scope of the category of indirect victims comprising "individuals who witnessed the commission of the crimes". In particular, the VPRS notes that the applicant did not witness the killing itself but observed events leading up to it and heard the gunshots. These events may constitute a continuous and closely connected sequence, in time and place, through which the applicant directly perceived the crime as it unfolded.

40. In addition, the VPRS observes that the applicant was a neighbour of the direct victim, and this pre-existing relationship may be relevant to the harm suffered in that the person, despite not witnessing the act of killing, could *picture* a known person being subjected to the act (particularly in the present case by hearing the gun shots).

41. At the occasion of the above example, the VPRS seeks the Chamber's guidance on two distinct questions:

- whether a person who witnessed part of the conduct underlying a crime, but did not observe the physical acts constituting the crime itself, may qualify as an indirect victim under the category of "individuals who witnessed the commission of the crimes", irrespective of whether that person had a pre-existing relationship with the direct victim.

- whether a person with a pre-existing relationship with a direct victim other than a family bond, such as a neighbour or friend, but who did not witness *any* part of the commission of the crime, may nevertheless qualify as an indirect victim by virtue of that relationship, subject to the applicable requirements concerning harm and causation.

42. Furthermore, the VPRS notes that declarations from two witnesses, supported by their identity documents, are the only type of documents that can establish the personal relationship between direct victims and individuals who witnessed the crimes or who had a pre-existing relationship with the direct victims (but are not their relatives). The VPRS therefore recommends that such declarations are considered sufficient to establish the relationship between this category of indirect victims and the direct victims of the crimes.

b) Children born after the crimes

43. The VPRS received application a/40053/26 introduced on behalf of a child who was born after the alleged crime.³⁸ The applicant was born 3 years and 6 months after his [Redacted] was killed. The application details the impact on the child of the psychological and material harm suffered by the family in relation to the murder.
44. The VPRS seeks the Chamber's guidance as to whether children born into families that continue to experience significant and ongoing negative consequences of the crimes should be recognised as indirect victims, where those consequences directly affect the children themselves, including through enduring psychological, social, or economic effects stemming from the murder or attempted murder of a family member.

E. Next transmissions of victim applications

45. Ahead of the start of the trial, the VPRS is provisionally planning one more Group A transmission, subject to: *i)* the timing of receipt of victim applications and/or

³⁸ [Redacted].

supplementary information for applications currently assessed as incomplete; *ii*) the number of victim applications and/or supplementary information received; and *iii*) whether the applications are submitted in local languages without an English translation, or in an official ICC language.³⁹

46. Unless instructed otherwise, between the start of the trial and the end of the Prosecution case, the VPRS is provisionally planning:

- i) periodic Group A transmissions and reports, subject to the number of applications received;
- ii) Group C transmissions and reports if and when such applications are identified;
- iii) a single Group B transmission at the end of the Prosecution case.


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

Dated this 29 October 2026

At The Hague, The Netherlands

³⁹ Applications received in local languages without translations in ICC official language will be submitted for translation to the Language Support Section of the Registry ("LSS") and the forms will only be assessed and transmitted to the Chamber once the translations are completed by LSS.