

Situation in the Republic of the Philippines

Update: 14 March 2025

ICC-01/21-01/25

## Initial appearance of Rodrigo Roa Duterte before the ICC 14 March 2025

### WHO IS RODRIGO ROA DUTERTE AND WHAT IS HE SUSPECTED OF?

Mr Rodrigo Roa Duterte (Mr Duterte) is a national of the Republic of the Philippines born on 28 March 1945. He was formerly the President of the Philippines, the Mayor of Davao City, and allegedly the founder and head of the Davao Death Squad ('DDS').

Mr Duterte was arrested by the authorities of the Philippines on 11 March 2025 pursuant to an arrest warrant issued by ICC's Pre-Trial Chamber I ("the Chamber") on 7 March 2025, as "Secret", and reclassified as "Public" on 11 March 2025. He was surrendered to the custody of International Criminal Court (ICC) on 12 March 2025.

According to the warrant of arrest against Mr Duterte, there are reasonable grounds to believe that he is individually responsible as an indirect co-perpetrator for the crime against humanity of murder, allegedly committed in the Philippines between 1 November 2011 and 16 March 2019. The Chamber found that there was an attack directed against a civilian population pursuant to an organisational policy while Mr Duterte was the head of the DDS, and pursuant to a State policy while he was the President of the Philippines. Moreover, there are reasonable grounds to believe that this attack was both widespread and systematic: the alleged attack took place over a period of several years and resulted in thousands of deaths. In the arrest warrant, the Chamber focused on a sample of alleged incidents to facilitate its analysis.

Concerning Mr Duterte's alleged role as the head of the DDS and subsequently as the President of the Philippines, the Chamber found reasonable grounds to believe that he, jointly with and through other persons, agreed to kill individuals they identified as suspected criminals or persons having criminal propensities, including but not limited to drug offenders, initially in Davao and subsequently throughout the country.

### WHAT HAPPENED AFTER MR DUTERTE WAS SURRENDERED TO THE CUSTODY OF THE ICC?

Once a suspect is surrendered to ICC's custody, the Court ensures that the person receives a copy of the warrant of arrest in a language which he fully understands and speaks. After his arrival at the Detention Centre of the ICC, the Pre-Trial Chamber schedules an initial appearance hearing.

### WHAT IS AN INITIAL APPEARANCE HEARING?

The suspect's first appearance before the Court takes place shortly after his arrival in The Hague. The initial appearance of Mr Duterte is scheduled for 14 March 2025 before Pre-Trial Chamber I. During the first appearance, the judges confirm the identity of the suspect, ensure that the suspect understands the charges, confirm the language in which the proceedings should be conducted and set the date for the opening of the confirmation of charges hearing. The suspect enjoys rights as recognised in the Rome Statute, including the right to have adequate time and facilities for the preparation of his or her Defence and to have the assistance of a Counsel, without payment if the person lacks sufficient means to pay for it.

### WHAT WILL HAPPEN AFTER THE INITIAL APPEARANCE HEARING TAKES PLACE?

After the initial appearance hearing, the Pre-Trial Chamber will start the process leading to the confirmation of charges hearing. The purpose of the confirmation of charges hearing is for the judges to determine whether or not there is sufficient evidence to establish substantial grounds to believe that the suspects committed each of the crimes charged. It is only if the charges are confirmed, in full or in part, that the case would be transferred to a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial. This process may take several months, depending on the complexity of the case, and also on the challenges which may arise during this period. After the initial appearance, the process of disclosure of evidence will start. During this process, the Prosecutor will have to provide to the Defence team the evidence she has collected during his investigation and on which she wants to rely for the confirmation of charges hearings. As indicated by the Rome Statute, the Prosecutor also has a duty to disclose exonerating information or materials to a suspect which in any way tend to suggest his innocence or mitigate his or her guilt, or which may affect the credibility of the Prosecution's evidence. At the confirmation of charges hearing – which is not a trial, but a pre-trial hearing – the Prosecution must present sufficient evidence for the case to go to trial. The suspect's defence may object to the charges, challenge the Prosecution's evidence and also present evidence.

## WHAT RIGHTS DO SUSPECTS HAVE?

Suspects before the ICC are presumed innocent. Unless exempted by the Judges, they are present in the courtroom during the trial, and they have a right to a public, fair and impartial hearing of their case. To this end, a series of guarantees are set out in the Court's legal documents, including, to mention a few:

- to be defended by the counsel (lawyer) of their choice, present evidence and witnesses of their own and to use a language which they fully understand and speak;
- to be informed in detail of the charges in a language which they fully understand and speak;
- to have adequate time and facilities for the preparation of the defence and to communicate freely and in confidence with counsel;
- to be tried without undue delay;
- not to be compelled to testify or to confess guilt and to remain silent, without such silence being a consideration in the determination of guilt or innocence;
- to have the Prosecutor disclose to the defence evidence in his possession or control which he believes shows or tends to show the innocence of the suspects or accused, or to mitigate the guilt of the accused, or which may affect the credibility of prosecution evidence.

## WHAT ARE THE CONDITIONS OF DETENTION AT THE ICC DETENTION CENTRE?

The ICC Detention Centre is located within a Dutch prison complex in Scheveningen on the outskirts of The Hague, in the Netherlands. It functions to hold in safe, secure and humane custody those persons detained under the authority of the ICC. The Detention Centre operates in conformity with the highest international human rights standards for the treatment of detainees, such as the United Nations Standard Minimum Rules. An independent inspecting authority conducts regular and unannounced inspections of the Centre in order to examine how detainees are being held and treated. Detained persons are presumed innocent until proven guilty. If convicted of crimes under the ICC's jurisdiction, they do not serve their sentences at the ICC Detention Centre as it is not a facility made for the purposes of managing a regime of convicted prisoners; they are transferred to a prison outside of The Netherlands to serve their time, subject to an agreement between the ICC and the State of enforcement.

## WHO ARE THE JUDGES SITTING IN THIS CASE?

Pre-Trial Chamber I is composed of Judge Iulia Antonella Motoc (Presiding judge), Judge Reine Adélaïde Sophie Alapini-Gansou and Judge María del Socorro Flores Liera. The ICC Judges are persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. All have extensive experience relevant to the Court's judicial activity. The Judges are elected by the Assembly of States Parties on the basis of their established competence in criminal law and procedure and in relevant areas of international law such as international humanitarian law and the law of human rights.