

Situation in the Republic of the Philippines

Updated: March 2025

The Prosecutor v. Rodrigo Roa Duterte

ICC-01/21-01/25

Suspected of the crime against humanity of murder, allegedly committed in the Republic of the Philippines between 1 November 2011 and 16 March 2019. Surrendered to the custody of the International Criminal Court (ICC) on 12 March 2025.



Rodrigo Roa Duterte

Date of birth: 28 March 1945

Nationality: national of the Republic of the Philippines

Function(s) at the time of the alleged crimes: President of the Philippines, Mayor of Davao City, and allegedly the founder and head of the Davao Death Squad ('DDS').

Arrest warrant: issued on 7 March 2025

Surrender to ICC Custody: 12 March 2025

Initial appearance: 14 March 2025

Confirmation of charges hearing: provisionally scheduled to begin on 23 September 2025

ALLEGED CRIMES

According to the warrant of arrest issued by the ICC's Pre-Trial Chamber I ("the Chamber), there are reasonable grounds to believe that Mr Duterte 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 Davao Death Squad (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.

Key judicial developments

OPENING OF THE INVESTIGATION

On 24 May 2021, the Office of the Prosecutor of the ICC ("the Prosecution") requested authorisation from the Chamber to initiate an investigation into crimes allegedly committed on the territory of the Philippines in the context of the "war on drugs" campaign waged by the Government of the Philippines between 1 November 2011 and 16 March 2019. On 14 June 2021, the Prosecution's request was made public. On 15 September 2021, Pre-Trial Chamber I authorised the investigation.

On 18 July 2023, following the Philippine authorities' request for deferral and the subsequent temporary suspension of the investigative activities, the ICC Appeals Chamber delivered its judgment which confirmed the Chamber's decision granting authorisation to the Prosecution to resume the investigation in relation to the situation in the Philippines.

The Philippines, an ICC State Party since 1 November 2011, deposited a written notification of withdrawal from the Statute on 17 March 2018. Under article 127 of the Statute, that withdrawal took effect on 17 March 2019. Nevertheless, the ICC retains jurisdiction over crimes allegedly committed in the Philippines while the country was a State Party to the Statute.

WARRANT OF ARREST

On 10 February 2025, the Prosecution applied for an arrest warrant against Mr Duterte for the crimes against humanity of murder, torture and rape. Having assessed the material submitted by the Prosecution, Pre-Trial Chamber I found reasonable grounds to believe

that Mr Duterte 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 warrant of arrest against Mr Duterte was issued by the Chamber as “Secret” on 7 March 2025 and reclassified as “Public” on 11 March 2025.

SURRENDER

On 12 March 2025, Mr Duterte was surrendered to the International Criminal Court, after being arrested by the authorities of the Republic of the Philippines in accordance with the warrant of arrest issued by Pre-Trial Chamber I. He is currently in ICC custody.

INITIAL APPEARANCE

The initial appearance of Mr Duterte took place on 14 March 2025 before Pre-Trial Chamber I. Mr Duterte appeared in the hearing via video link from the ICC Detention Centre, as authorised by the Chamber. The Chamber verified the identity of the suspect and ensured that he was clearly informed of the crimes he is alleged to have committed and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks.

The Chamber provisionally scheduled the confirmation of charges hearing to begin on 23 September 2025. The purpose of the confirmation of charges procedure is to determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed the crimes he or she is suspected of. If the charges are confirmed, totally or partly, the case will be transferred to a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

Composition of Pre-Trial Chamber I

Judge Iulia Antonella Motoc (Presiding Judge)
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

Representation of the Office of the Prosecutor

Karim A. A. Khan KC, Prosecutor
Mame Mandiaye Niang, Deputy Prosecutor

Defence Counsel

Mr Nicholas Kaufman, Lead Defence Counsel