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PRE-TRIAL CHAMBER I

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

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

PUBLIC

**Public redacted version of “Prosecution’s urgent application under article 58
for a warrant of arrest against Rodrigo Roa DUTERTE”, 10 February 2025,
ICC-01/21-80-US-Exp**

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I. INTRODUCTION

1. The Office of the Prosecutor applies under article 58(1) of the Rome Statute for a warrant of arrest for **Rodrigo Roa DUTERTE** (“**DUTERTE**”).
2. This Application and the supporting evidence establish reasonable grounds to believe that **DUTERTE** is responsible for crimes within the Court’s jurisdiction,¹ namely: crimes against humanity of murder, torture and rape committed in the Republic of the Philippines (“the Philippines”) between 1 November 2011 to 16 March 2019, in violation of articles 7(1)(a), 7(1)(f), 7(1)(g) and 25(3)(a) of the Statute. **DUTERTE**’s arrest is necessary to ensure that he appears at trial, and does not obstruct or endanger the investigation or the Court’s proceedings.²
3. The Prosecution requests that this Application be considered on an expedited basis in order to maximise the chances of arrest, should the Chamber decide to issue a warrant.³

II. CLASSIFICATION AND REQUESTS FOR SEALING AND REGARDING THE FORM OF DECISIONS ISSUED

4. Pursuant to regulation 23bis(1) of the Regulations of the Court, this Application and its Annexes are filed under seal, *ex parte*, only available to the Prosecution,⁴ in order to: protect the identity of victims and witnesses cited in this Application; maintain the integrity of the ongoing investigation by keeping confidential the Prosecution’s sources of evidence and specific avenues of inquiry; and avoid putting **DUTERTE** on notice that a warrant of arrest may imminently be issued, allowing him to take steps to evade future arrest or obstruct the investigation during the time that the Application is being considered by the Chamber, and afterwards. In this regard, the Prosecution notes that **DUTERTE** and his close associates have reportedly interfered with inquiries into extrajudicial killings implicating him in the past.⁵
5. For these reasons, the Prosecution respectfully requests that the Chamber issue its decision on this Application, and the warrant of arrest, under seal and *ex parte*, only available to the Prosecution.
6. The Prosecution further respectfully requests that any warrant of arrest is issued as a brief stand-alone document separate from the decision on this Application without details which could potentially identify the Prosecution’s sources of evidence—including victims or

¹ Statute, article 58(1)(a). See also [Katanga & Chui Interim Release AJ](#), para. 18; [Al-Bashir AWA AD](#), para. 30.

² Statute, article 58(1)(b)(i) and (ii).

³ See below XI. Request for Urgent Consideration of the Application.

⁴ See also Chambers Practice Manual, para. 3.

⁵ [REDACTED], [PHL-OTP-00015528](#) at 0015, lines 529-534; [REDACTED], [PHL-OTP-00015406](#) at 0010, lines 290-304, [PHL-OTP-00015472](#) at 0004-0005, lines 73-121. See also United Nations Office of the High Commissioner for Human Rights, [PHL-OTP-0003-2892](#).

witnesses or its specific avenues of inquiry—so that it may be transmitted to relevant States and made public, when appropriate, with limited or no redactions. The Prosecution additionally requests that any warrant of arrest does not refer to [REDACTED]. This will potentially aid in seeking the arrest of **DUTERTE**, and/or collecting further evidence. In view of the aforementioned urgency of the request, the Prosecution respectfully requests that the Chamber consider issuing any warrant of arrest with reasons to follow.

III. RELEVANT IDENTIFYING INFORMATION OF DUTERTE

7. **DUTERTE** was born on 28 March 1945 in Maasin, Southern Leyte, the Philippines.⁶ **DUTERTE** was the President and head of state of the Philippines from 30 June 2016 to 30 June 2022,⁷ and formerly Mayor and Vice Mayor of Davao City in Mindanao in the southern Philippines during the period 1988 to 2016.⁸ Prior to this, **DUTERTE** was a prosecutor in Davao City from 1977-1986.⁹ Annex B contains a photograph of **DUTERTE**. **DUTERTE**'s aliases or nicknames include 'Superman', 'Charlie Mike', 'Digong' and 'Mayor Rody'.¹⁰

8. The most recent information obtained by the Prosecution indicates that **DUTERTE** currently resides in Davao City, the Philippines, and has a passport issued by the Government of the Philippines numbered [REDACTED].¹¹

IV. CONCISE STATEMENT OF FACTS

9. **DUTERTE** was Mayor and Vice Mayor of Davao City for more than 20 years, including continuously through the period 1 November 2011 to 30 June 2016, which falls within the temporal parameters of this situation¹² ("Mayoral period"). During the period 30 June 2016 to 16 March 2019 falling within the temporal parameters, **DUTERTE** served as President of the Philippines ("Presidential period"). **DUTERTE** is responsible for crimes against humanity of murder, torture and rape committed in the Philippines from around 1 November 2011 to 16 March 2019, in violation of articles 7(1)(a), 7(1)(f) and 7(1)(g) of the Statute.

10. These crimes were committed as part of a widespread and systematic attack directed

⁶ Government of the Philippines ("GoPHL"), [PHL-OTP-00000269](#), [PHL-OTP-00000388](#) at 0012-0013.

⁷ GoPHL, [PHL-OTP-00000269](#); GoPHL Presidential Communications Operations Office ("PCOO"), **DUTERTE**'s Speech, 30 June 2016, [PHL-OTP-0003-3291](#). See also Cable News Network ("CNN"), [PHL-OTP-0003-0384](#) at 0385.

⁸ GoPHL, [PHL-OTP-00000269](#).

⁹ GoPHL, [PHL-OTP-00000269](#).

¹⁰ See e.g. [REDACTED], [PHL-OTP-0001-2605](#) at 2608-2609, lines 88-121; [REDACTED], [PHL-OTP-00015515](#) at 0013, lines 433-436, [PHL-OTP-00015535](#) at 0007, lines 203-205.

¹¹ [REDACTED], [PHL-OTP-00000388](#) at 0011.

¹² The temporal parameters of the Prosecution's investigation in the Philippines situation, as authorised by the Pre-Trial Chamber, are 1 November 2011 to 16 March 2019: [Article 15 Decision](#), p. 41, paras. 113-118.

against the civilian population in the Philippines, pursuant to a State policy to attack alleged criminals in the Philippines. **DUTERTE** and his co-perpetrators knew that their conduct was part of, or intended their conduct to be part of, that attack. The publicly stated aims of the attack were to reduce criminality, including drug use, sale and production, in Davao City (during the Mayoral period) and, later, in the whole of the Philippines (during the Presidential period). During the Presidential period, many of the acts were committed as part of a formal anti-illegal drugs campaign implemented by law enforcement personnel, which was frequently described in public reporting as **DUTERTE**'s "War on Drugs". However, such acts were only one component of the attack, which from its origins, targeted individuals suspected of various crimes—and not only alleged drug users, dealers and producers.¹³

11. **DUTERTE** is individually criminally responsible for committing the crimes alleged in this Application jointly with and through others pursuant to article 25(3)(a). Between at least 1 November 2011 and 16 March 2019, **DUTERTE** and his co-perpetrators shared a common plan or agreement to target alleged criminals in the Philippines (including those perceived or alleged to be associated with drug use, sale or production), through the commission of crimes such as murder, torture and rape ("Common Plan"). His co-perpetrators included, each for at least part of the temporal period: [REDACTED]¹⁴ [REDACTED]¹⁵ [REDACTED]¹⁶ [REDACTED];¹⁷ [REDACTED];¹⁸ [REDACTED];¹⁹ [REDACTED];²⁰ [REDACTED];²¹ [REDACTED];²² and other members of the Philippine National Police ("PNP") and high-ranking government officials (together, including **DUTERTE**: "the co-perpetrators").

12. From around 1988, in Davao City, when **DUTERTE** was elected Mayor, he began organising groups of police officers and non-police "hitmen"²³ into what became known as the Davao Death Squads ("DDS"). He instructed DDS members that their mission was to kill criminals, including drug dealers, and provided clearance for specific DDS killings. **DUTERTE** recruited, paid and rewarded DDS members, provided them with the necessary weapons and resources, and promised to shield them from prosecution. The DDS operated in Davao City from 1988 onwards, including continuously through 2011 to 2016.

¹³ See e.g. below paras. 23, 33, 36.

¹⁴ [REDACTED], [PHL-OTP-00000216](#).

¹⁵ [REDACTED], [PHL-OTP-00000147](#) at 0054; Rappler, [PHL-OTP-0003-2331](#) at 0002.

¹⁶ [REDACTED], [PHL-OTP-00001485](#) (Transcript [PHL-OTP-00015384](#), Translation [PHL-OTP-00015389](#)).

¹⁷ [REDACTED], [PHL-OTP-00000198](#).

¹⁸ [REDACTED]. See below paras. 24-25.

¹⁹ [REDACTED]. See below paras. 38, 92.

²⁰ [REDACTED]. See below paras. 34, 38.

²¹ [REDACTED].

²² [REDACTED], [PHL-OTP-00000186](#).

²³ These individuals were sometimes also referred to as "assassins", "gunmen" and "players".

13. When campaigning for the Presidency in 2015 and 2016, **DUTERTE** vowed to implement the methods he had developed in Davao City, such as killing criminals, to put an end to criminality in the Philippines. He and his co-perpetrators immediately took steps to target suspected criminals following his election and 30 June 2016 inauguration, including by implementing a formal anti-illegal drugs campaign. Under the auspices of this campaign, **DUTERTE** and his co-perpetrators targeted not only individuals suspected to be involved in drug-related crime, but also other crimes. They established a network of perpetrators, comprising law enforcement officers (including personnel from the PNP, the PDEA and the NBI), non-police assets and hitmen (together, “the National Network”), to operate in a similar manner to the DDS in conducting operations to kill alleged criminals. To facilitate these killings, the perpetrators committed other crimes, such as rape and torture, to force targets to ‘confess’ to their alleged criminality. Some killings were staged to appear as though the police had to use lethal force in self-defence against the alleged suspect, to cover up the criminal nature of the killings. Some operations, which were conducted in a broad and violent fashion, targeted not only the alleged criminals, but also family members and other individuals who happened to be in the vicinity and were killed in the attack.

14. **DUTERTE** and his co-perpetrators used the DDS and the National Network, including the low-level members of each, as tools to commit the crimes encompassed by the Common Plan. The DDS and the National Network functioned through a combination of *de jure* and *de facto* chains of command, including the existing hierarchies in the PNP and other Philippine law enforcement agencies. The co-perpetrators controlled the will of the physical perpetrators through a mechanism that ensured their automatic compliance with their orders. This mechanism relied upon the co-perpetrators’ authority over the physical perpetrators through: the chains of command; the recruitment of persons who were loyal and they knew they could control; threats and use of violence to ensure compliance; the supervision and reporting of the operations of the physical perpetrators; and payments to the physical perpetrators.

15. **DUTERTE** made an essential contributions to the Common Plan and to the commission of crimes by: (i) designing and disseminating the policy to attack alleged criminals, as well as acting as its public face; (ii) establishing and overseeing the DDS; (iii) supporting the launch of the Command Memorandum Circular No. 16-2016 (“CMC No. 16-2016”) (which formally initiated a national anti-illegal drugs campaign) and reinforcing the underlying message that its implementation entailed the commission of crimes, which were sanctioned by the State; (iv) facilitating the crimes through the provision of personnel and other necessary logistical resources such as weapons; (v) appointing key personnel (including some of his co-

perpetrators) to positions which were crucial to the execution of the Common Plan; (vi) creating a system in which perpetrators knew they would be protected from accountability for their crimes; (vii) making public statements authorising, condoning and promoting killings; (viii) offering financial and other rewards for the killings, which were in fact paid to certain police and non-police perpetrators via a covert financial reward system; and (ix) authorising State actors to join or leave the formal anti-drugs campaign.

16. **DUTERTE** intended to commit the crimes and was aware of the factual circumstances that allowed him—together with his co-perpetrators—to jointly control the members of the DDS and National Network, who physically perpetrated the crimes.

V. ALLEGED CRIMES WITHIN THE JURISDICTION OF THE COURT

17. **DUTERTE** is responsible, pursuant to article 25(3)(a) of the Statute as an indirect co-perpetrator, for the following crimes against humanity,²⁴ committed in the Philippines between 1 November 2011 and 16 March 2019, each of which are elaborated further below:²⁵

- (i) **Count 1:** Murders in Davao City during the Mayoral period by the DDS, contrary to article 7(1)(a) of the Statute, of the 19 victims of **Incidents 1-5** and **7-10**, between 2013 and [REDACTED] June 2016.²⁶
- (ii) **Count 2:** Torture in Davao City during the Mayoral period by the DDS, contrary to article 7(1)(f) of the Statute, of the four victims of **Incidents 1** and **6**, in 2013 and [REDACTED] 2014.²⁷
- (iii) **Count 3:** Rape in Davao City during the Mayoral period by the DDS, contrary to article 7(1)(g) of the Statute, of the [REDACTED] of **Incident 1**, in or around 2013.²⁸
- (iv) **Count 4:** Murders of High-Value Targets (“HVTs”) during the Presidential period by law enforcement personnel, contrary to article 7(1)(a) of the Statute, of the six victims of **Incidents 12, 14** and **17**, between [REDACTED] August 2016 and [REDACTED] July 2017.²⁹

²⁴ Non-argumentative Annex C contains a list of victims of the specific incidents charged in this case, who are also listed in this section of the Application. Each incident has been allocated an incident number. To assist the Chamber, Annex C further breaks down the manner in which the Prosecution relies upon the evidence to substantiate the incidents.

²⁵ See below VI. D. **DUTERTE** Committed Crimes Against Humanity.

²⁶ See below VI. D. 1. The crime against humanity of murder under article 7(1)(a).

²⁷ See below VI. D. 2. The crimes against humanity of torture and rape under articles 7(1)(f) and 7(1)(g).

²⁸ See below VI. D. 2. The crimes against humanity of torture and rape under articles 7(1)(f) and 7(1)(g).

²⁹ See below VI. D. 1. The crime against humanity of murder under article 7(1)(a).

- (v) **Count 5**: Murders in *barangay*³⁰ clearance operations during the Presidential period by law enforcement personnel, contrary to article 7(1)(a) of the Statute, of the 20 victims of **Incidents 11, 13, 15-16, 18-31**, between [REDACTED] October 2016 and 2018.³¹

18. While this Application refers to events which took place before 1 November 2011, the Prosecution only seeks an arrest warrant in relation to crimes which occurred within the temporal jurisdiction of the investigation,³² as authorised by the Pre-Trial Chamber.³³

VI. THERE ARE REASONABLE GROUNDS TO BELIEVE THAT DUTERTE COMMITTED THE ALLEGED CRIMES

A. CATEGORIES AND TYPES OF EVIDENCE RELIED UPON

19. The Prosecution relies upon the following types of evidence to establish reasonable grounds to believe that **DUTERTE** committed the crimes specified in this Application: (i) witness statements and interview transcripts of [REDACTED] Prosecution witnesses (including: [REDACTED]); (ii) public speeches and statements by **DUTERTE** and other members of his administration, including transcripts of such published on the Government of the Philippines' Presidential Communications Operations Office ("PCOO")³⁴ website; (iii) presidential memoranda and orders signed by **DUTERTE**; (iv) documents of the PNP and other departments and agencies of the Government of the Philippines, including memoranda, directives, decisions, reports and press releases; (v) drug watch lists maintained by law enforcement containing the names of targets, including the "High-Value Targets" in the PRRD List; (vi) the 1987 Constitution of the Republic of the Philippines, national legislation and domestic jurisprudence setting out the powers of various actors, including Mayors and the President; (vii) audio/visual material, including CCTV footage [REDACTED]; (viii) financial records; (ix) forensic evidence; (x) reports and datasets of international and non-governmental organisations; and (xi) media reports.

20. The Prosecution also relies upon **DUTERTE**'s public admissions that he: killed 1,700 people as Mayor of Davao City; was involved in the DDS; funded extra-judicial killings as

³⁰ A *barangay* is the smallest political and administrative unit in the Philippines: *see* Philippine Republic Act No. 7160, 10 October 1991, Section 384, [PHL-OTP-00000259](#) at 0143.

³¹ *See below* VI. D. 1. The crime against humanity of murder under article 7(1)(a).

³² [Ongwen Evidence Request Decision](#), para. 7; [Nahimana et al. AJ](#), para. 314.

³³ *See below* VII. A. Jurisdiction.

³⁴ After **DUTERTE**'s presidency, this office was renamed as the Presidential Communications Office. *See e.g.* GoPHL, [PHL-OTP-00015335](#).

Mayor of Davao; and his “only sin” as President was extrajudicial killings.³⁵ The Prosecution further relies upon PDEA’s acknowledgement that 5,281 “drug personalities” “died in anti-drug operations” between 1 July 2016 and 28 February 2019.³⁶

B. BACKGROUND

1. *DUTERTE became Mayor and established the Davao Death Squads to kill suspected criminals*

21. In 1988, **DUTERTE** was appointed Mayor of Davao City. He served in this position for more than twenty years (1988-1998, 2001-2010 and 2013-2016). During 2010-2013, **DUTERTE** was Vice Mayor while his daughter, Sara **DUTERTE** (currently Vice President of the Philippines), served as Mayor.³⁷

22. As Mayor, **DUTERTE** was chief executive of the city government, with responsibility for exercising general supervision and control over all its activities.³⁸ **DUTERTE** also had formal “operational supervision and control” over the police units in his jurisdiction,³⁹ including “the power to direct, superintend, and oversee the day-to-day functions of police investigation of crime”, the “employment and deployment of units or elements of the PNP” via the station commander, as well as the power to choose the Davao City Police Chief.⁴⁰ [REDACTED] **DUTERTE** *in fact* had control over the police in Davao City.⁴¹

23. In 1988, **DUTERTE** established ‘liquidation’ or ‘death’ squads composed of Davao City police officers and non-police hitmen, which were originally called the ‘Lambada Boys’ and came to be known as the DDS.⁴² **DUTERTE** personally instructed DDS groups that their

³⁵ Video of **DUTERTE**’s Speech, 27 September 2018, [PHL-OTP-00000291](#) (Transcript [PHL-OTP-00000842](#), Translation [PHL-OTP-00000850](#) at 0002, lines 4-5); Video of **DUTERTE**, 8 December 2015, [PHL-OTP-00000294](#) (Transcript [PHL-OTP-00000843](#), Translation [PHL-OTP-00000851](#) at 0002, lines 2-5); Translation of Gikan Sa Masa Para Sa Masa Transcript, 10 October 2023, [PHL-OTP-00000297](#) (Transcript [PHL-OTP-00000844](#), Translation [PHL-OTP-00000852](#) at 0002-0003, lines 34-37).

³⁶ PDEA, [PHL-OTP-0003-2538](#) at 2538.

³⁷ GoPHL, [PHL-OTP-00000269](#); Davao City Government, [PHL-OTP-00001197](#); [REDACTED], [PHL-OTP-0001-2605](#) at 2610, lines 136-145, 151-154; CNN, [PHL-OTP-0003-0384](#) at 0385.

³⁸ Philippine Republic Act No. 7160, 10 October 1991, [PHL-OTP-00000259](#) at 0167-0172, Section 444.

³⁹ Philippine Republic Act No. 6975, 13 December 1990, [PHL-OTP-0003-3321](#) at 3329, Section 51, as amended by Philippine Republic Act No. 8551, 25 February 1998, [PHL-OTP-0009-0143](#) at 0162-0163, Sections 62 and 63. *See also* Philippine 1987 Constitution, [PHL-OTP-0005-2102](#) at 2165, Article XVI, Section 6.

⁴⁰ Philippine Republic Act No. 6975, 13 December 1990, [PHL-OTP-0003-3321](#) at 3329, Section 51, as amended by Philippine Republic Act No. 8551, 25 February 1998, [PHL-OTP-0009-0143](#) at 0162-0163, Sections 62-63.

⁴¹ [REDACTED], [PHL-OTP-0001-2605](#) at 2632, lines 897-902; [REDACTED], [PHL-OTP-00015508](#) at 0010, lines 340-353; [REDACTED], [PHL-OTP-00015390](#) at 0016, lines 530-540.

⁴² [REDACTED], [PHL-OTP-0006-9247](#) at 9247, [PHL-OTP-00000406](#) at 0003, lines 10-14. *See also* [REDACTED], [PHL-OTP-0001-2576](#) at 2591-2593, lines 495-573; [REDACTED], [PHL-OTP-00015401](#) at 0002-0012, lines 22-350, [PHL-OTP-00015402](#) at 0002-0006, lines 3-159.

mission was to kill criminals.⁴³ For example, [REDACTED].⁴⁴ [REDACTED].⁴⁵ Around the same time, **DUTERTE** “created” a “death squad” composed of [REDACTED] Davao City police, who **DUTERTE** instructed “to kill suspected criminals”, “including [*s*]habu⁴⁶ users and pushers”.⁴⁷ **DUTERTE** [REDACTED], explained to the police DDS members that it was not possible to “completely eliminate or reduce” criminality via “basic law enforcement”, and so it was necessary for police to “kill” the criminals of Davao City.⁴⁸

24. From 1988 onwards, **DUTERTE** and senior law enforcement personnel in Davao City (including the respective Davao City Police Chiefs throughout the period) agreed to target alleged criminals through the commission of crimes—principally murder, but also other crimes which would facilitate this agreement, including the rape and torture of targets to force them to ‘confess’ to their alleged criminality.⁴⁹ During the period 1 November 2011 to 30 June 2016, **DUTERTE** worked closely with [REDACTED].⁵⁰

2. *The implementation of the Common Plan in Davao City*

25. During the Mayoral period, the Common Plan was implemented primarily through the DDS, which had a hierarchical structure. At the bottom were the DDS members who physically carried out the crimes (generally non-police hitmen or low-level police), who were subordinated to police or *barangay* handlers.⁵¹ [REDACTED].⁵² **DUTERTE** sat at the apex of the DDS.⁵³

26. **DUTERTE** and those in his inner circle maintained ‘death lists’ or ‘watch lists’ of alleged criminals, compiled with the assistance of *barangay* officials, and forwarded to the

⁴³ [REDACTED], [PHL-OTP-00015501](#) at 0002, lines 3-38; [REDACTED], [PHL-OTP-00015401](#) at 0003, lines 47-55.

⁴⁴ [REDACTED], [PHL-OTP-00015401](#) at 0003, lines 37-55.

⁴⁵ [REDACTED], [PHL-OTP-00015402](#) at 0009-0010, lines 260-295; [PHL-OTP-00015403](#) at 0007-0008, lines 186-220.

⁴⁶ *Shabu* is slang for the drug methamphetamine: see Annex D.

⁴⁷ [REDACTED], [PHL-OTP-00015507](#) at 0004-0005, lines 111-149.

⁴⁸ [REDACTED], [PHL-OTP-00015507](#) at 0005-0006, lines 153-163.

⁴⁹ See also, below paras. 77-87.

⁵⁰ [REDACTED], [PHL-OTP-0001-2691](#) at 2712-2713, lines 686-734; [REDACTED], [PHL-OTP-00015507](#) at 0008, lines 265-267, [PHL-OTP-00015508](#) at 0008, lines 257-258, [PHL-OTP-00015515](#) at 0017-0018, lines 581-593, 607-632.

⁵¹ See e.g. [REDACTED], [PHL-OTP-0001-2605](#) at 2614, lines 291-294, at 2622, lines 548-553, [PHL-OTP-0001-2639](#) at 2660-2661, lines 709-722; [REDACTED], [PHL-OTP-00015507](#) at 0006, lines 161-163; [REDACTED], [PHL-OTP-0006-9247](#) at 9249, 9260.

⁵² [REDACTED], [PHL-OTP-0001-2691](#) at 2712-2713, lines 686-734; [REDACTED], [PHL-OTP-00015507](#) at 0008, lines 265-267, [PHL-OTP-00015508](#) at 0008, lines 257-258, [PHL-OTP-00015515](#) at 0017-0018, lines 581-593, 607-632.

⁵³ [REDACTED], [PHL-OTP-0001-3619](#) at 3806.

DDS for ‘neutralisation’.⁵⁴ [REDACTED] the words “neutralise” and “eliminate” to mean “kill”.⁵⁵

27. **DUTERTE**’s clearance was required for DDS members to conduct killings in Davao City.⁵⁶ Sometimes a *jetto* (informant) would provide information on a target and the specific DDS team’s police or *barangay* handler would seek clearance from **DUTERTE**—[REDACTED]—to kill the target. On other occasions, **DUTERTE** would provide the target’s name, which was communicated [REDACTED] to a handler.⁵⁷

28. DDS killing operations evolved over time and their features depended on factors such as the profile of the target and the equipment available to the perpetrator at the time (including knives, handguns and rope for strangulation).⁵⁸ Sometimes DDS teams conducted surveillance on the target to confirm their identity or to create a plan for the killing operation.⁵⁹ Victims were often killed in public⁶⁰ or at a quarry located in *Barangay* Ma-a, Davao City, which was owned by police DDS member Bienvenido LAUD (“Laud Quarry”).⁶¹ DDS members typically wore plain clothes, although sometimes one or two police DDS would wear their uniforms to provide a “semblance of legality”.⁶² Where killing occurred in public, DDS hitmen generally arrived and departed the scene in twos or threes in one vehicle or motorbike, with backup DDS members nearby in a vehicle or motorbike.⁶³ The DDS would sometimes [REDACTED].⁶⁴

⁵⁴ [REDACTED], [PHL-OTP-0001-2605](#) at 2629, lines 807-810, [PHL-OTP-00001721](#) at 0011-0012, lines 334-373; [REDACTED], [PHL-OTP-00015532](#) at 0006, lines 160-189, [PHL-OTP-00015533](#) at 0004-0005, lines 98-135, [PHL-OTP-00015537](#) at 0003, lines 68-73; [REDACTED], [PHL-OTP-00015427](#) at 0005, lines 101-116, [PHL-OTP-0006-9247](#) at 9250. *See also* Video of **DUTERTE**’s Speech, uploaded 26 October 2015, [PHL-OTP-00000306](#) (Transcript [PHL-OTP-00000847](#), Translation [PHL-OTP-00000855](#) at 0002, lines 3-10); SunStar, [PHL-OTP-00000368](#) (Translation [PHL-OTP-00000409](#) at 0001).

⁵⁵ [REDACTED], [PHL-OTP-00015502](#) at 0005, line 125; [REDACTED], [PHL-OTP-00015390](#) at 0011, lines 345-346.

⁵⁶ [REDACTED], [PHL-OTP-0001-2605](#) at 2630-2632, lines 822-902; [REDACTED], [PHL-OTP-00015507](#) at 0007, lines 216-223; [REDACTED], [PHL-OTP-0006-9247](#) at 9252, [PHL-OTP-00000147](#) at 0033-0035.

⁵⁷ [REDACTED], [PHL-OTP-0001-2691](#) at 2712-2713, lines 686-734, [PHL-OTP-00001714](#) at 0002, lines 2-20; [REDACTED], [PHL-OTP-00015508](#) at 0008, lines 255-260, [PHL-OTP-00015515](#) at 0018-0019, lines 653-656, [PHL-OTP-0002-0039](#) at 0045-0046; [REDACTED], [PHL-OTP-00015432](#) at 0005, lines 116-126.

⁵⁸ [REDACTED], [PHL-OTP-0001-2605](#) at 2615, lines 331-334, [PHL-OTP-00001710](#) at 0004-0008, lines 87-241; [REDACTED], [PHL-OTP-00015508](#) at 0015, lines 546-557.

⁵⁹ [REDACTED], [PHL-OTP-00001708](#) at 0006-0007, lines 141-201; [REDACTED], [PHL-OTP-00015501](#) at 0004, lines 91-105.

⁶⁰ *See e.g.* Incidents 3, 4, 5, 7, 8, 9, 10, 11, 13, 15, 20.

⁶¹ [REDACTED], [PHL-OTP-0001-2731](#) at 2772, lines 1359-1372; [REDACTED], [PHL-OTP-00015515](#) at 0013, lines 441-449; [REDACTED], [PHL-OTP-00015419](#) at 0008, lines 226-233.

⁶² [REDACTED], [PHL-OTP-0002-0039](#) at 0046. *See also* [REDACTED], [PHL-OTP-00015407](#) at 0010, lines 306-309.

⁶³ [REDACTED], [PHL-OTP-00015519](#) at 0004, lines 84-94; *see also* Incidents 3, 4, 7, 9, 10.

⁶⁴ [REDACTED], [PHL-OTP-00015508](#) at 0015, lines 540-542; [REDACTED], [PHL-OTP-00015423](#) at 0002-0003, lines 24-44.

29. **DUTERTE** paid DDS hitmen a monthly salary via the Davao City Hall [REDACTED].⁶⁵ Police and some hitmen received financial rewards per head for specific killings in addition to their salary,⁶⁶ which were distributed from **DUTERTE** [REDACTED] to the handler.⁶⁷ **DUTERTE** also provided the DDS with the necessary logistical supplies to perpetrate killings, such as firearms, ammunition, vehicles, safehouses, gasoline and communications equipment.⁶⁸

30. After DELA ROSA became Davao City Police Chief in 2012,⁶⁹ he developed and implemented a style of police operation called “*Tokhang*”,⁷⁰ whereby police knocked on the doors of alleged drug users and pushers and asked them to surrender, placed them on a drug watch list, and the listed persons were often later killed.⁷¹ Where police DDS members were the shooters in a killing operation, they would sometimes stage a *nanlaban* (“fight back”) scenario, in which they would plant a weapon on the victim to make it appear as though the victim had been killed by the police acting in self-defence.⁷² Sometimes DDS members planted drugs on the victims to create a justification for their targeting of victims.⁷³ After DELA ROSA’s term, **DUTERTE** selected DANA O as Davao City Police Chief, a position he held from October 2013 to June 2016.⁷⁴ [REDACTED].⁷⁵

31. [REDACTED]. [REDACTED] fluctuation in the number of killings per year, with an acceleration from 2001 onwards—when **DUTERTE** became Mayor again. For the period

⁶⁵ [REDACTED], [PHL-OTP-0006-9247](#) at 9248. [REDACTED], [PHL-OTP-00001150](#), [PHL-OTP-00001197](#), [PHL-OTP-00000147](#) at 0010; [REDACTED], [PHL-OTP-00000147](#) at 0030, 0033, [PHL-OTP-00015422](#) at 0004, lines 73-80.

⁶⁶ [REDACTED], [PHL-OTP-0001-2605](#) at 2620, lines 482-505, [PHL-OTP-0001-2691](#) at 2726, lines 1170-1191; [REDACTED], [PHL-OTP-00015502](#) at 0002-0003, lines 24-27, [PHL-OTP-00015514](#) at 0002, lines 23-25, 0004, lines 88-93, at 0008, lines 257-261, [PHL-OTP-00015515](#) at 0008, lines 231-233, [PHL-OTP-00015517](#) at 0002-0003, lines 31-51, [PHL-OTP-00015519](#) at 0004, lines 99-101, [PHL-OTP-00015520](#) at 0008, lines 233-235, at 0013, lines 419-424, [PHL-OTP-00015521](#) at 0005, lines 118-144, [PHL-OTP-00015522](#) at 0002, lines 28-30; [REDACTED], [PHL-OTP-00015435](#) at 0004, lines 93-101.

⁶⁷ [REDACTED], [PHL-OTP-0001-2605](#) at 2620, lines 479-495; [REDACTED], [PHL-OTP-00015502](#) at 0003, lines 58-69; [REDACTED], [PHL-OTP-00015390](#) at 0011, lines 355-374.

⁶⁸ [REDACTED], [PHL-OTP-00015501](#) at 0002, lines 14-28, [PHL-OTP-00015525](#) at 0013, lines 445-457; [REDACTED], [PHL-OTP-00015402](#) at 0009-0011, lines 260-315, [PHL-OTP-00015406](#) at 0006, lines 141-151; Human Rights Watch (“HRW”), [PHL-OTP-0003-0886](#) at 0941-0942.

⁶⁹ PNP, [PHL-OTP-00000216](#) at 0003.

⁷⁰ ‘*Tokhang*’ is a portmanteau derived from the Visayan “*toktok-hangyo*”, meaning “knock-plea” in English: Department of Interior and Local Government (“DILG”), [PHL-OTP-00000140](#) at 0015.

⁷¹ [REDACTED], [PHL-OTP-00001721](#) at 0011-0012, lines 325-373; [REDACTED], [PHL-OTP-00015508](#) at 0011, lines 364-373, 398-404; [REDACTED], [PHL-OTP-00001485](#) (Transcript [PHL-OTP-00015384](#), Translation [PHL-OTP-00015389](#) at 0004, lines 96-105).

⁷² [REDACTED], [PHL-OTP-0001-2639](#) at 2651-2652, lines 403-416, [PHL-OTP-0001-2639](#) at 2669-2671, lines 1005-1066; [REDACTED], [PHL-OTP-00015509](#) at 0003, lines 63-66, [PHL-OTP-0002-0192](#) at 0232; [REDACTED], [PHL-OTP-00015443](#) at 0002-0003, lines 4-34; [REDACTED], [PHL-OTP-00015390](#) at 0015, lines 492-500.

⁷³ [REDACTED], [PHL-OTP-00015443](#) at 0002-0003.

⁷⁴ PNP, [PHL-OTP-00000147](#) at 0054; Rappler, [PHL-OTP-0003-2331](#) at 0002.

⁷⁵ [REDACTED], [PHL-OTP-00015509](#) at 0004, lines 119-126. *See also* Inquirer, [PHL-OTP-00015201](#).

2011-2015 (within the temporal parameters), [REDACTED] victims of extrajudicial killings in Davao City.⁷⁶ [REDACTED].⁷⁷

32. **DUTERTE** has admitted publicly to many of the facts outlined above, including: his involvement in the DDS (“they say I am the death squad? [...] True. [...] That’s true”);⁷⁸ that he killed “around 1,700” people in Davao City as Mayor;⁷⁹ that he used intelligence funds allocated to him as Mayor of Davao City to fund killings;⁸⁰ and that he maintained order in Davao City by killing criminals, describing this as “the only formula that worked”.⁸¹

3. *DUTERTE vowed to expand the ‘Davao formula’ across the Philippines as President*

33. In late 2015, **DUTERTE** announced his intention to run for President, promising to replicate strategies used in Davao City during his time as Mayor to “stop” “criminality” throughout the Philippines, including through “killings”.⁸² He vowed to tell police to “go out and kill” criminals and those involved in drug-related offences.⁸³ On multiple occasions, **DUTERTE** expressly outlined the Common Plan publicly, saying that he would “stop drugs and crime, criminality, in three to six months” because “I will tell the police and military, ‘Go out and kill them.’ Period”.⁸⁴ **DUTERTE** spoke publicly about how, should he become President, the number of criminal suspects killed “will become 100,000 [...] I will kill all of you” and the fish in Manila Bay “will become fat, because that’s where I will throw you”.⁸⁵

⁷⁶ [REDACTED], [PHL-OTP-0006-9245](#), [PHL-OTP-0006-9246](#); New Naratif, [PHL-OTP-0003-2336](#) at 0006-0007 [REDACTED]; [REDACTED], [PHL-OTP-00001006](#) at 0002. *See also* HRW, [PHL-OTP-0003-1059](#) at 0001-0002.

⁷⁷ [REDACTED], [PHL-OTP-0001-2576](#) at 2584, lines 253-273.

⁷⁸ Video of **DUTERTE**’s Interview, [PHL-OTP-00000300](#) (Transcript [PHL-OTP-00000845](#), Translation [PHL-OTP-00000853](#) at 0002, lines 8-12). *See also* Inquirer, [PHL-OTP-0003-1290](#) at 1290.

⁷⁹ Video of **DUTERTE**’s Interview, uploaded 8 December 2015, [PHL-OTP-00000294](#) (Transcript [PHL-OTP-00000843](#), Translation [PHL-OTP-00000851](#) at 0002, lines 2-5). *See also* Rappler, [PHL-OTP-0003-1297](#) at 1299.

⁸⁰ Video of **DUTERTE**’s Interview, 10 October 2023, [PHL-OTP-00000297](#) (Transcript [PHL-OTP-00000844](#), Translation [PHL-OTP-00000852](#) at 0002, lines 34-35). *See also* [REDACTED], [PHL-OTP-00001197](#), [REDACTED].

⁸¹ PCOO, **DUTERTE**’s Speech, 14 March 2017, [PHL-OTP-0003-3261](#) (Translation [PHL-OTP-00015492](#) at 0006). For more on the Davao ‘formula’, ‘model’ or ‘template’: *see* [REDACTED], [PHL-OTP-00015390](#) at 0010-0011, lines 330-349, at 0017-0018, lines 588-597; [REDACTED], [PHL-OTP-00015394](#) at 0053-0055, lines 1847-1902; Reuters, [PHL-OTP-0003-0199](#); P-0014, [PHL-OTP-0018-0003](#) at 0028, 0169.

⁸² Video of **DUTERTE**’s Interview, 27 November 2015, [PHL-OTP-00000309](#) (Transcript [PHL-OTP-00001122](#), Translation [PHL-OTP-00001124](#) at 0004, lines 117-121).

⁸³ Video of **DUTERTE**’s Speech, 11 March 2016, [PHL-OTP-00000277](#) (Transcript [PHL-OTP-00001121](#), Translation [PHL-OTP-00001123](#) at 0009, lines 343-345). *See also* CNN, [PHL-OTP-0003-0037](#) at 0039.

⁸⁴ Video of **DUTERTE**’s Speech, 11 March 2016, [PHL-OTP-00000277](#) (Transcript [PHL-OTP-00001121](#), Translation [PHL-OTP-00001123](#) at 0006, lines 215-217, at 0009, lines 342-345). *See also* Video of **DUTERTE**’s Speech, [PHL-OTP-00000303](#) (Transcript [PHL-OTP-00000846](#), Translation [PHL-OTP-00000854](#) at 0002, lines 3-5); Reuters, [PHL-OTP-0003-0124](#) at 0125.

⁸⁵ Video of **DUTERTE**’s Interview, [PHL-OTP-00000300](#) (Transcript [PHL-OTP-00000845](#), Translation [PHL-OTP-00000853](#) at 0002, lines 29-32) at 0002. *See also* Metro, [PHL-OTP-0003-0041](#) at 0041; Inquirer, [PHL-OTP-0003-1290](#) at 1291; Philstar, [PHL-OTP-0003-1303](#) at 1303.

4. *The co-perpetrators prepared to expand the Common Plan nationwide*

34. On 9 May 2016, **DUTERTE** was elected President of the Philippines. After the election, **DUTERTE** [REDACTED].⁸⁶ [REDACTED],⁸⁷ [REDACTED]⁸⁸ [REDACTED].⁸⁹ In June or July 2016, [REDACTED].⁹⁰

35. In the lead up to his inauguration, [REDACTED]⁹¹ [REDACTED] preparing to be immediately ready to roll out the Common Plan nationwide.⁹²

36. **DUTERTE** was sworn in as President on 30 June 2016.⁹³ After taking his oath, he publicly vowed to end “drugs and criminality”, including by killing suspected drug dealers and addicts, and also urged the public to do so. He told a crowd in Tondo, Manila: “These sons of bitches are destroying our country and our children [...] I am begging you, stay away from it because I will really kill you”. He directly appealed to the public to carry out killings themselves: “[W]hy don’t you be the ones to kill. If it’s someone’s child, be the killer yourself. If someone’s child is the addict, you be the one to kill so it won’t hurt too much”.⁹⁴

5. *DUTERTE used his Presidential powers to empower the co-perpetrators and to establish an expanded network of direct perpetrators*

37. Once sworn in as President, **DUTERTE** became the head of state, head of government and commander-in-chief of all armed forces of the Philippines.⁹⁵ Under the 1987 Constitution, he was the sole “repository of executive powers”,⁹⁶ with “control of all the executive departments, bureaus, and offices”⁹⁷ and “general supervision over local governments”.⁹⁸ By virtue of his control of the executive, **DUTERTE** was ultimately responsible, *inter alia*, for the PNP (which falls under the Department of Interior and Local Government or “DILG”),⁹⁹ PDEA (which falls under the Dangerous Drugs Board, which is part of the Office of the

⁸⁶ [REDACTED], *Contra* [REDACTED]: [PHL-OTP-00015093](#) (Translation [PHL-OTP-00015546](#) at 0227-0228).

⁸⁷ [REDACTED], [PHL-OTP-00015390](#) at 0008-0010, lines 240-340.

⁸⁸ [REDACTED], [PHL-OTP-00015394](#) at 0116, lines 3988-4008.

⁸⁹ *See below* paras. 43-46.

⁹⁰ [REDACTED], [PHL-OTP-00015394](#) at 0053-0055, lines 1826-1902.

⁹¹ PNP, [PHL-OTP-00000084](#) at 0002.

⁹² [REDACTED], [PHL-OTP-00001485](#) (Transcript [PHL-OTP-00015384](#), Translation [PHL-OTP-00015389](#) at 0002, lines 18-31).

⁹³ GoPHL, [PHL-OTP-00000269](#); PCOO, **DUTERTE**’s Speech, 30 June 2016, [PHL-OTP-0003-3291](#) at 3291.

⁹⁴ PCOO, **DUTERTE**’s Speech, 30 June 2016, [PHL-OTP-00000339](#) (Translation [PHL-OTP-00000518](#) at 0003, 0005); Guardian, [PHL-OTP-0003-0101](#).

⁹⁵ Republic of the Philippines, 1987 Constitution, [PHL-OTP-0005-2102](#) at 2125, Article VII, Sections 17 and 18.

⁹⁶ Supreme Court of the Republic of the Philippines, *Kulayan v. Tan*, GR No 187298, 3 July 2012, [PHL-OTP-00000261](#) at 0004.

⁹⁷ Republic of the Philippines, 1987 Constitution, [PHL-OTP-0005-2102](#) at 2125, Article VII, Section 17.

⁹⁸ Republic of the Philippines, 1987 Constitution, [PHL-OTP-0005-2102](#) at 2140, Article X, Section 4.

⁹⁹ Congress of the Philippines, Republic Act No. 6975, 13 December 1990, [PHL-OTP-0003-3321](#) at 3221, Title.

President),¹⁰⁰ and the NBI (which falls under the Department of Justice).¹⁰¹ **DUTERTE** was also “leader of the country’s police forces”:¹⁰² while a local chief executive exercises operational supervision over “day-to-day operations”, ultimately the PNP “properly comes within, and is subject to, the exercise by the President of the power of executive control”.¹⁰³

38. As President, **DUTERTE** had the power, with the consent of the Commission on Appointments, to nominate and appoint the heads of the executive departments and other public ministers,¹⁰⁴ including the power to nominate the Secretary of the Interior and Local Government (who leads the DILG).¹⁰⁵ He had the power to directly appoint key law enforcement officials, including the Chief of the PNP,¹⁰⁶ the Inspector General of the PNP’s Internal Affairs Service (“IAS”),¹⁰⁷ the NBI Director,¹⁰⁸ and the Director General of PDEA.¹⁰⁹ Immediately upon taking office, **DUTERTE** [REDACTED] creating the National Network via which the co-perpetrators carried out killings and other crimes designed to target alleged criminals. [REDACTED] to control potential accountability efforts with respect to crimes committed as part of the Common Plan and to ensure impunity. [REDACTED]:

- [REDACTED],¹¹⁰
- [REDACTED],¹¹¹
- [REDACTED],¹¹²
- [REDACTED],¹¹³ and
- [REDACTED],¹¹⁴ [REDACTED].¹¹⁵

¹⁰⁰ Congress of the Philippines, Republic Act No. 9165, 7 June 2002, [PHL-OTP-0017-4870](#) at 4904, 4909-4910, Sections 78 and 82.

¹⁰¹ Congress of the Philippines, Republic Act No. 10867, 23 June 2016, [PHL-OTP-0009-0169](#) at 0172-0174, Sections 6 and 7.

¹⁰² Supreme Court of the Republic of the Philippines, *Kulayan v. Tan*, GR No 187298, 3 July 2012, [PHL-OTP-00000261](#) at 0006.

¹⁰³ Supreme Court of the Republic of the Philippines, *Kulayan v. Tan*, GR No 187298, 3 July 2012, [PHL-OTP-00000261](#) at 0007. *See also* Supreme Court of the Republic of the Philippines, *Carpio v. Executive Secretary of Local Governments, the Secretary of National Defense and the National Treasurer*, GR No 96409, 14 February 1992, [PHL-OTP-00000260](#) at 0005.

¹⁰⁴ Republic of the Philippines, 1987 Constitution, [PHL-OTP-0005-2102](#) at 2125, Article VII, Section 16.

¹⁰⁵ Congress of the Philippines, Republic Act No. 6975, 13 December 1990, [PHL-OTP-0003-3321](#), Section 8.

¹⁰⁶ Congress of the Philippines, Republic Act No. 6975, 13 December 1990, [PHL-OTP-0003-3321](#), Section 31.

¹⁰⁷ Congress of the Philippines, Republic Act No. 8551, 25 February 1998, [PHL-OTP-0009-0143](#), Section 41.

¹⁰⁸ Congress of the Philippines, Republic Act No. 10867, 23 June 2016, [PHL-OTP-0009-0169](#) at 0172, Section 6.

¹⁰⁹ Congress of the Philippines, Republic Act No. 9165, 7 June 2002, [PHL-OTP-0017-4870](#) at 4909, Section 82.

¹¹⁰ [REDACTED], [PHL-OTP-00000216](#) at 0002, 0003.

¹¹¹ [REDACTED], [PHL-OTP-0003-2623](#), at e.g. 2623-2626, 2631-2635.

¹¹² [REDACTED].

¹¹³ [REDACTED].

¹¹⁴ [REDACTED], [PHL-OTP-00015529](#) at 0006-0007, lines 181-208; P-0014, [PHL-OTP-00002215](#) at 0206.

¹¹⁵ [REDACTED].

6. *The implementation of the geographically expanded Common Plan and the launch of Double Barrel*

39. On 1 July 2016—the same day he was sworn in as PNP Chief—DELA ROSA issued CMC No. 16-2016, formally launching the national “anti-illegal drugs campaign”¹¹⁶ component of the Common Plan. CMC No. 16-2016 referenced the “[p]ronouncement of PRESIDENT RODRIGO R DUTERTE to get rid of illegal drugs during the first six months of his term”.¹¹⁷ It set out Project “Double Barrel”, modelled after Davao City’s policing strategy and directed at the “neutralization of illegal drug personalities nationwide”.¹¹⁸ Project Double Barrel¹¹⁹ had two strands: the clearance of drug-affected barangays, including through Operation *Tokhang* (house-to-house visits to “persuade suspected illegal drug personalities to stop their illegal drug activities”); and Operation High Value Target (operations targeting those involved in trafficking and selling illegal drugs).¹²⁰

40. CMC No. 16-2016 directed the PNP to simultaneously “pursue the neutralization of illegal drug personalities as well as the backbone of illegal drugs network operating in the country.”¹²¹ Although CMC No. 16-2016 referred to the need to respect the rights of those subject to such operations,¹²² the day CMC No. 16-2016 was launched, **DUTERTE** reinforced to the PNP that the implementation of the Common Plan would encompass the commission of violent crimes by those implementing it, and that these crimes were sanctioned by the State. In a speech to police, he promised that he would use his new presidential powers to protect police who faced legal charges for mass killings: “if in the process you kill 1,000 persons because you were doing duty and I will protect you.”¹²³ On other occasions, he repeatedly vowed to pardon and promote police involved in killings, “[i]f you do your duty, do not worry about cases, I will protect you, believe me [...] if there’s somebody who will go to jail, it’s me. I will assume full, legal responsibility”.¹²⁴

¹¹⁶ PNP, CMC No. 16 – 2016, 1 July 2016, [PHL-OTP-0005-0259](#).

¹¹⁷ PNP, CMC No. 16 – 2016, 1 July 2016, [PHL-OTP-0005-0259](#) at 0259.

¹¹⁸ PNP, CMC No. 16 – 2016, 1 July 2016, [PHL-OTP-0005-0259](#) at 0259-0260.

¹¹⁹ Project “Double Barrel” was later expanded through “Project Double Barrel Alpha” and further refined through “Project Double Barrel: Reloaded”: PNP, [PHL-OTP-0003-2546](#) at 2546-2547; RPIO Pro 7 on Facebook, [PHL-OTP-0003-2554](#).

¹²⁰ PNP, CMC No.16-2016, 1 July 2016, [PHL-OTP-0005-0259](#) at 0261, 0264-0265; [PHL-OTP-0003-3418](#) at 3450.

¹²¹ PNP, CMC No. 16 – 2016, 1 July 2016, [PHL-OTP-0005-0259](#) at 0261.

¹²² See e.g. PNP, CMC No. 16 – 2016, 1 July 2016, [PHL-OTP-0005-0259](#) at 0263, 0275.

¹²³ PCOO, **DUTERTE**’s Speech, 1 July 2016, [PHL-OTP-00000271](#) (Translation [PHL-OTP-00000558](#) at 0008). See also Malay Mail Online, [PHL-OTP-0003-0047](#).

¹²⁴ PCOO, **DUTERTE**’s Speech, 14 November 2016, [PHL-OTP-0003-3283](#) (Translation [PHL-OTP-00001127](#) at 0005). See also PCOO, **DUTERTE**’s Speech, 20 September 2016, [PHL-OTP-00000267](#) (Translation [PHL-OTP-](#)

41. **DUTERTE**'s frequent public speeches urging law enforcement and, at other times, members of the public, to attack drug users were widely reported on, as well as disseminated by **DUTERTE** through the Presidential Communications Operations Office ("PCOO"), which uploaded transcripts of his speeches and statements to its website. Examples of such speeches include **DUTERTE** announcing to troops that, "[f]or as long as I am the President, nobody, but nobody—no military man or policeman—will go to prison because they performed their duties well". Signalling that this promise did not only encompass lawful police or military killings, **DUTERTE** continued, "If you massacre one hundred [...] you will all be pardoned [...] plus a promotion to boot".¹²⁵ On 16 August 2017, following the killing of 32 individuals in anti-drug operations in Bulacan – including the individuals specified in Incidents 18 and 19 —**DUTERTE** said: "That's good. If we can just kill about another 32 everyday than maybe we can reduce the—what ails this country".¹²⁶

42. Throughout the Presidential period, the Common Plan was implemented nationwide primarily by entities within Philippines' law enforcement, including the PNP and PDEA. As in Davao City, State actors worked in groups with non-police assets to carry out the crimes.¹²⁷ Many features of killings during the Presidential period echoed those of the Mayoral period. For example, killings were perpetrated by multiple people on a motorcycle ('riding-in-tandem'),¹²⁸ during buy-bust operations,¹²⁹ and during Operation *Tokhang* house visits or raids on residences.¹³⁰ Perpetrators planted drugs and drug paraphernalia on victims to justify their targeting.¹³¹ They tried to mask the criminal nature of their conduct, including through planting guns and staging *nanlaban* scenarios to make killings look like self-defence in an effort to

[00000336](#) at 0010); PCOO, **DUTERTE**'s Speech, 13 March 2017, [PHL-OTP-0003-3224](#) (Translation [PHL-OTP-00015479](#) at 0016); PCOO, **DUTERTE**'s Speech, 14 March 2017, [PHL-OTP-0003-3261](#) (Translation [PHL-OTP-00015492](#) at 0016); PCOO, **DUTERTE**'s Speech, 15 January 2018, [PHL-OTP-0003-3800](#) (Translation [PHL-OTP-00015493](#) at 0004); Inquirer, [PHL-OTP-0003-1362](#) at 1362-1363; Rappler, [PHL-OTP-0003-1345](#).

¹²⁵ PCOO, **DUTERTE**'s Speech, 20 September 2016, [PHL-OTP-00000267](#) (Translation [PHL-OTP-00000336](#) at 0010); Rappler, [PHL-OTP-0003-1345](#).

¹²⁶ PCOO, **DUTERTE**'s Speech, 16 August 2017, [PHL-OTP-0003-3213](#) (Translation [PHL-OTP-00015491](#) at 0001).

¹²⁷ [REDACTED], [PHL-OTP-00000540](#) at 0011-0016, lines 306-474.

¹²⁸ P-0003, [PHL-OTP-00000541](#) at 0004, lines 70-84, at 0012-0014, lines 365-453; P-0004, [PHL-OTP-0004-0006](#) at 0025-0026, para. 93, at 0046, para. 194, at 0073, para. 329; P-0009, [PHL-OTP-0002-0626](#) at 0645, para. 99, 0688, para. 321.

¹²⁹ P-0003, [PHL-OTP-00000545](#) at 0009, lines 248-271; P-0004, [PHL-OTP-0004-0006](#) at 0035, para. 137; P-0009, [PHL-OTP-0002-0626](#) at 0645-0646, para. 102, at 0648, para. 117; Reuters, [PHL-OTP-0003-0092](#) at 0097.

¹³⁰ P-0004, [PHL-OTP-0004-0006](#) at 0032, para. 126, at 0045-0046, para. 191, at 0049, para. 207, at 0074-0075, paras. 338-340; P-0009, [PHL-OTP-0002-0626](#) at 0648, para. 117, at 0678, paras. 273-275, at 0682-0683, paras. 293-296, at 0687, para. 319, at 0691, para. 336.

¹³¹ See e.g. P-0003, [PHL-OTP-00000547](#) at 0006, lines 157-160, at 0009-0010, lines 251-279, [PHL-OTP-00000556](#) at 0010-0012, lines 276-372.

legitimise the murders and protect the perpetrators from accountability.¹³² One type of operation which featured more heavily during the Presidential period were so-called One Time, Big Time operations (“OTBT”): large-scale, high-intensity police operations in which activities like arrests, raids and searches were carried out simultaneously in multiple locations, often for an extended period.¹³³ To ensure that they had “somebody to kill” during OTBTs, [REDACTED].¹³⁴

7. *Drug watch lists and rewards for killing targets*

43. From the outset of his Presidency, **DUTERTE** publicly offered perpetrators rewards, including financial incentives per killing and promotions for advancing the Common Plan.¹³⁵ For example, during a televised speech at his victory party on 4 June 2016, he said: “What I pay now, if it’s a drug lord [...] 5 million, especially if dead. If alive, only 4,999,000.”¹³⁶

44. On various occasions, **DUTERTE** publicly named specific individuals who he claimed were involved in the illegal drug trade or other forms of criminality. For example, on 7 July 2016, **DUTERTE** gave a press conference where he held up a chart purportedly showing individuals involved in drug syndicates in the Philippines (*i.e.* High-Value Targets).¹³⁷

45. On 7 August 2016, during a televised press conference at Camp Panacan, Davao City, **DUTERTE** named more than 150 public officials he claimed were involved in the drug trade, [REDACTED].¹³⁸ The Presidential Palace subsequently distributed this list, which was published by various media outlets.¹³⁹ On 9 January 2017, **DUTERTE** stated publicly that mayors involved in illegal drugs should resign or face death: “That thick folder I showed you? Find your name there, Mayor. Son of a bitch, if your name is there, you’ll have a problem. I will really kill you.”¹⁴⁰ [REDACTED].

¹³² P-0009, [PHL-OTP-0002-0626](#) at 0645-0646, para. 102; P-0025, [PHL-OTP-00002236](#) at 0010-0011, para. 28; [REDACTED], [PHL-OTP-00015394](#) at 0017-0020, lines 565-684.

¹³³ P-0003, [PHL-OTP-00000541](#) at 0004-0006, lines 87-147; P-0004, [PHL-OTP-0004-0006](#) at 0035-0036, paras. 137-143; P-0009, [PHL-OTP-0002-0626](#) at 0648-0649, paras. 116-122; [REDACTED], [PHL-OTP-00015394](#) at 0109-0110, lines 3763-3809; Rappler, [PHL-OTP-0003-1718](#).

¹³⁴ P-0003, [PHL-OTP-00000541](#) at 0004-0006, lines 87-147, [PHL-OTP-00000544](#) at 0018, lines 574-583, [PHL-OTP-00000550](#) at 0015-0016, lines 454-498.

¹³⁵ PCOO, **DUTERTE**’s Speech, 15 April 2017, [PHL-OTP-0003-3199](#) (Translation [PHL-OTP-00015490](#) at 0008-0009).

¹³⁶ Video of **DUTERTE**’s Speech, 4 June 2016, [PHL-OTP-00015220](#) (Partial transcript [PHL-OTP-00015692](#), Translation [PHL-OTP-00015723](#) at 0005-0006, lines 180-181).

¹³⁷ Video of **DUTERTE**’s Speech, 7 July 2016, [PHL-OTP-00015326](#) (Transcript [PHL-OTP-00015608](#), Translation [PHL-OTP-00015611](#)).

¹³⁸ Video of **DUTERTE**’s Speech, 7 August 2016, [PHL-OTP-00001774](#) (Transcript [PHL-OTP-00016132](#), Translation [PHL-OTP-00016419](#) *see especially at* 0003-0004).

¹³⁹ *See e.g.* ABS-CBN News, [PHL-OTP-0003-1661](#); Rappler, [PHL-OTP-0003-2292](#).

¹⁴⁰ PCOO, **DUTERTE**’s Speech, 9 January 2017, [PHL-OTP-00017648](#) (Translation [PHL-OTP-00017690](#) at 0003).

46. [REDACTED] police also maintained drug watch lists, with targets listed by tier according to their perceived ‘value’ (Levels 1 to 5).¹⁴¹ Generally, the names were proposed during [REDACTED] at the regional level, and then the regional lists were centrally consolidated by the PNP Directorate for Intelligence.¹⁴² One such list was the ‘PRRD List’, which contains the names of “High-Value Targets”.¹⁴³ Police who killed a target on the list could access a covert reward system (which existed outside of the regular formal rewards system) and receive a payment ranging from 50,000 to one million pesos, depending on the level of the target.¹⁴⁴ [REDACTED] the covert reward system, [REDACTED] was designed outside of the [REDACTED] regular reward system “to motivate” police to conduct more operations¹⁴⁵ and had to be “secret” “to cover” up that killings were tolerated.¹⁴⁶ [REDACTED].¹⁴⁷ Other drug watch lists containing the names of individuals alleged to be ‘drug users’ or ‘drug pushers’ were maintained at the police station level. After killing incidents, police would refer to the fact that the victim had been on such lists in their reporting.¹⁴⁸

8. *Temporary withdrawals of police participation to placate public outcry*

47. During the Presidential period, **DUTERTE** twice ordered the temporary withdrawal of police from anti-illegal drug operations: the first time after the high-profile killing of Korean national JEE Ick-Joo at Camp Crame (from 29 January to 6 March 2017);¹⁴⁹ and the second after public outcry following the killing of 17-year old Kian DELOS SANTOS (from 10 October to 4 December 2017).¹⁵⁰ On both occasions, following these temporary withdrawals, the number of reported killings dropped,¹⁵¹ demonstrating **DUTERTE**’s control over the crimes. For example, from 1 July 2016 until the first suspension on 29 January 2017,

¹⁴¹ [REDACTED], [PHL-OTP-00015394](#) at 0022, lines 749-771; P-1077, [PHL-OTP-00015486](#) at 0026, lines 891-898. For an example of a drug watch list, see [PHL-OTP-00015357](#) (“PRRD List”), in particular, the description of ‘Level 1’ to ‘Level 5’ under tab ‘legend’.

¹⁴² [REDACTED], [PHL-OTP-00015394](#) at 0051-0052, lines 1755-1786; P-1077, [PHL-OTP-00015486](#) at 0016, lines 522-526, at 0022-0023, lines 761-787. See also PNP Annual Report, 2016, [PHL-OTP-00017571](#) at 0033-0035, 0040 (referring to validation workshops held for drug watch lists).

¹⁴³ PRRD List, [PHL-OTP-00015357](#), [REDACTED]. See also P-1077, [PHL-OTP-00015486](#) at 0008-0011, lines 251-266, 328-355 ([REDACTED]).

¹⁴⁴ [REDACTED], [PHL-OTP-00015394](#) at 0022, lines 747-758, at 0024, lines 821-830, at 0045-0047, lines 1568-1615.

¹⁴⁵ [REDACTED], [PHL-OTP-00015394](#) at 0010, lines 310-312.

¹⁴⁶ [REDACTED], [PHL-OTP-00015394](#) at 0036, lines 1227-1234.

¹⁴⁷ [REDACTED], [PHL-OTP-00015394](#) at 0043-0044, lines 1497-1503.

¹⁴⁸ See e.g. PNP, [PHL-OTP-00016789](#) at 0001, para. 2.

¹⁴⁹ [REDACTED], [PHL-OTP-00015394](#) at 0071-0073, lines 2463-2505.

¹⁵⁰ [REDACTED], [PHL-OTP-00001488](#) (Translation [PHL-OTP-00015388](#) at 0003, lines 52-88).

¹⁵¹ [REDACTED], [PHL-OTP-0003-3037](#) at 0005-0006; [REDACTED], [PHL-OTP-00015394](#) at 0071-0072, lines 2450-2485.

[REDACTED] a “high rate of deaths”, [REDACTED] continuing in double digits daily.¹⁵² During the first period of suspension, [REDACTED].¹⁵³ [REDACTED].¹⁵⁴ However, **DUTERTE** soon ordered the PNP back into the campaign.¹⁵⁵ When operations were relaunched on 6 March 2017, the [REDACTED] ten people killed that same day.¹⁵⁶

48. The statements **DUTERTE** made when announcing these suspensions reveal that they were not genuine efforts to prevent crimes, but rather calculated attempts to placate public criticism.¹⁵⁷ For example, after the Kian DELOS SANTOS killing, **DUTERTE** gave a speech in which he said that by replacing the PNP with the PDEA he hoped to satisfy “bleeding hearts and the media”.¹⁵⁸ These suspensions functioned to appease public outrage and ultimately permit the Common Plan—and the crimes committed therein—to continue.¹⁵⁹

49. Ultimately, **DUTERTE** continued to publicly encourage the killing of suspected criminals. In a speech to police on 15 January 2018, he said: “When I said that you go and destroy the drug industry, destroying means destroying including human life”.¹⁶⁰ **DUTERTE** repeatedly stated that, as long as there are drug lords in the Philippines, “this campaign will go on until the last day of my term. Until all of them are killed”.¹⁶¹

C. THE CRIMES OCCURRED IN THE CONTEXT OF A WIDESPREAD AND SYSTEMATIC ATTACK AGAINST THE CIVILIAN POPULATION

50. From at least 1 November 2011 to 16 March 2019,¹⁶² **DUTERTE** and his co-perpetrators carried out a widespread and systematic attack directed against civilians alleged to be criminals and their associates in the Philippines. Multiple acts under article 7(1) of the Statute constituting a course of conduct were carried out pursuant to or in furtherance of a State policy.

¹⁵² [REDACTED], [PHL-OTP-0003-3037](#) at 0005.

¹⁵³ [REDACTED], [PHL-OTP-0003-3037](#) at 0006.

¹⁵⁴ [REDACTED], [PHL-OTP-0003-3037](#) at 0006.

¹⁵⁵ President of the Philippines, Executive Order No. 15: Creation of the Inter-Agency Committee on Anti-Illegal Drugs (ICAD) and Anti-Illegal Drug Task Force to Suppress the Drug Problem in the Country, 6 March 2017, [PHL-OTP-0005-0415](#); Reuters, [PHL-OTP-0003-0244](#).

¹⁵⁶ [REDACTED], [PHL-OTP-0003-3037](#) at 0006.

¹⁵⁷ *Bemba AJ*, para. 176.

¹⁵⁸ PCOO, **DUTERTE**’s Speech, 12 October 2017, [PHL-OTP-00015496](#) (Translation [PHL-OTP-00015573](#) at 0009); Inquirer, [PHL-OTP-0003-1864](#) at 1864-1865.

¹⁵⁹ [REDACTED], [PHL-OTP-00015394](#) at 0073, lines 2519-2528.

¹⁶⁰ PCOO, **DUTERTE**’s Speech, 15 January 2018, [PHL-OTP-0003-3800](#) (Translation [PHL-OTP-00015493](#) at 0004).

¹⁶¹ BBC, Video of **DUTERTE**’s Interview, 16 December 2016, [PHL-OTP-00000280](#) (Transcript [PHL-OTP-00015596](#) at 0002); Philstar, [PHL-OTP-0003-1343](#) (Translation [PHL-OTP-00015623](#) at 0002).

¹⁶² While the temporal jurisdiction of the investigation extends from 1 November 2011 to 16 March 2019, the evidence establishes that such acts were occurring from at least 1988 and continued beyond the date upon which the Philippines’ withdrawal from the Rome Statute became effective.

The crimes set out in Counts 1-5 formed part of the attack. **DUTERTE**, his co-perpetrators and the physical perpetrators knew that their conduct was, or intended it to be, part of that attack.

1. The co-perpetrators carried out an attack against a civilian population

51. The attack was comprised of multiple acts under article 7(1) collectively amounting to a course of conduct directed against the civilian population of the Philippines. They include the 45 acts of murder, four acts of torture and three acts of rape set out in Counts 1-5, a representative sample of the multiple acts of violence referred to in article 7(1).¹⁶³

52. As noted above, during the Mayoral period, there were at least [REDACTED] acts of murder of civilians [REDACTED].¹⁶⁴ During the Presidential period, thousands of civilians were murdered.¹⁶⁵ [REDACTED] shows that at least [REDACTED] anti-drug-related killings occurred between 10 May 2016 (the day after **DUTERTE** was elected President) and 31 December 2018.¹⁶⁶ [REDACTED] at least [REDACTED] killings occurred in connection with the formal anti-illegal drugs campaign between 1 July 2016 and early March 2019.¹⁶⁷ The **DUTERTE** Administration's 2017 Year End Report of "Key Accomplishments" recorded 3,967 drug personalities killed between 1 July 2016 and 22 November 2017, and a further 16,355 drug-related homicide cases during a similar period, suggesting a total of 20,322 killings.¹⁶⁸ In 2019, PDEA acknowledged that 5,281 "drug personalities" "died in anti-drug operations" between 1 July 2016 and 28 February 2019.¹⁶⁹

53. P-1162 analysed the magnitude of deadly police violence before and during **DUTERTE**'s Presidency.¹⁷⁰ His analysis of 11 regions of the Philippines (encompassing approximately 70% of the population) shows that 174 suspects were killed by the police per year from 2006 to 2015. By contrast, in the first 25 months of **DUTERTE**'s Presidency, the number of suspects killed by police per year increased to 1,202 persons, with 2,506 suspects killed between July 2016 to July 2018, a rise of 590%.¹⁷¹ The massive rise in police killings demonstrates the immediate results of the implementation of the Common Plan nationwide.

¹⁶³ See below VI. D. **DUTERTE** Committed Crimes Against Humanity.

¹⁶⁴ See above para. 31.

¹⁶⁵ HRW, [PHL-OTP-0003-0796](#) at 0796; Amnesty International ("AI"), [PHL-OTP-0003-0799](#) at 0799; CHR, [PHL-OTP-0003-3344](#) at 3347, para. 14; Reuters, [PHL-OTP-0003-0565](#); The Manila Times, [PHL-OTP-0003-1494](#); AI, [PHL-OTP-0003-1004](#) at 1013; PhilStar, [PHL-OTP-0002-0601](#); The Atlantic, [PHL-OTP-0003-0550](#) at 0553.

¹⁶⁶ [REDACTED], [PHL-OTP-0004-1036](#).

¹⁶⁷ [REDACTED], [PHL-OTP-0003-3146](#); [REDACTED], [PHL-OTP-0003-0810](#) at 0812-0814.

¹⁶⁸ PCOO, [PHL-OTP-0003-3355](#) at 3379.

¹⁶⁹ PDEA, [PHL-OTP-0003-2538](#) at 2538.

¹⁷⁰ P-1162, [PHL-OTP-00017684](#) at 0006-0023.

¹⁷¹ P-1162, [PHL-OTP-00017684](#) at 0011-0014.

54. These acts were not the mere aggregate of a few isolated or random incidents.¹⁷² They shared common features in terms of: their location and context (occurring in public,¹⁷³ after abduction,¹⁷⁴ or while victims were in police custody);¹⁷⁵ the nature of the operations (riding-in-tandem,¹⁷⁶ buy-bust operations,¹⁷⁷ Operation *Tokhang* house visits or raids on residences,¹⁷⁸ or OTBT operations);¹⁷⁹ the method of killing (frequently at close range by shooting or stabbing);¹⁸⁰ the profile of the victims (individuals alleged to be involved in criminality, including those on ‘drug watch lists’, and their family members or other associates who happened to be in the vicinity of the incident);¹⁸¹ and the profile of the perpetrators (Philippine State actors, in particular PNP personnel, appear to have been involved in many of the acts).¹⁸² For example, *all* of the [REDACTED] victims [REDACTED] were: (i) killed in a violent fashion; and (ii) on a drug watch list, alleged to have links to drug use or sale, and/or killed in anti-drug operations.¹⁸³ Moreover, the underlying aims of the acts appear frequently to have been to eliminate and deter criminality and drug use, as well as to meet mandated death

¹⁷² *Gbagbo CD*, para. 209; *Bemba TJ*, para. 149.

¹⁷³ P-0003, [PHL-OTP-00000541](#) at 0004, lines 70-84, [PHL-OTP-00000549](#) at 0012-0016, lines 347-487, [PHL-OTP-00000550](#) at 0002-0004, lines 31-70.

¹⁷⁴ [REDACTED], [PHL-OTP-00015507](#) at 0011-0012, lines 367-417, [PHL-OTP-00015508](#) at 0003-0005, lines 44-166, at 0014, lines 487-518, [PHL-OTP-00015509](#) at 0004, lines 124-125; P-0003, [PHL-OTP-00000549](#) at 0003-0005, lines 59-120; P-0009, [PHL-OTP-0002-0626](#) at 0645, para. 100, at 0669-0670, paras. 228-229.

¹⁷⁵ P-0003, [PHL-OTP-00000541](#) at 0004-0005, lines 89-133, at 0007, lines 181-182, at 0016-0017, lines 501-539; P-0004, [PHL-OTP-0004-0006](#) at 0058-0059, paras. 255-258; P-0009, [PHL-OTP-0002-0626](#) at 0733, para. 557, at 0739-0740, para. 597.

¹⁷⁶ P-0003, [PHL-OTP-00000541](#) at 0004, lines 73-74; P-0004, [PHL-OTP-0004-0006](#) at 0025-0026, para. 93, at 0046, para. 194, at 0073, para. 329; P-0009, [PHL-OTP-0002-0626](#) at 0645, para. 99, at 0687-0688, para. 321.

¹⁷⁷ P-0003, [PHL-OTP-00000545](#) at 0009, lines 257-258; P-0004, [PHL-OTP-0004-0006](#) at 0035, para. 137; P-0009, [PHL-OTP-0002-0626](#) at 0645-0646, para. 102, at 0648, para. 117, at 0681, para. 288, at 0687, para. 319; Reuters, [PHL-OTP-0003-0092](#) at 0093.

¹⁷⁸ [REDACTED], [PHL-OTP-00015508](#) at 0011-0012, lines 364-442, [PHL-OTP-00015509](#) at 0004, lines 124-125; P-0004, [PHL-OTP-0004-0006](#) at 0032, para. 126, at 0045-0046, para. 191, at 0049, para. 207, at 0074-0075, paras. 336-340; P-0009, [PHL-OTP-0002-0626](#) at 0678, para. 274, at 0682, para. 295, at 0687, para. 319, at 0688-0689, para. 326.

¹⁷⁹ P-0003, [PHL-OTP-00000541](#) at 0004-0006; P-0004, [PHL-OTP-0004-0006](#) at 0034-0036, paras. 135-143, at 0038-0039, paras. 156-160; P-0009, [PHL-OTP-0002-0626](#) at 0648-0649, paras. 117-122; Rappler, [PHL-OTP-0003-1718](#).

¹⁸⁰ [REDACTED], [PHL-OTP-0001-2691](#) at 2692-2698, lines 23-262; [REDACTED], [PHL-OTP-00015509](#) at 0010, line 356; P-0003, [PHL-OTP-00000549](#) at 0003-0006, lines 38-159; P-0009, [PHL-OTP-0002-0626](#) at 0632, para. 35.

¹⁸¹ [REDACTED], [PHL-OTP-0001-2639](#) at 2652-2653, lines 422-480, [PHL-OTP-0001-2682](#) at 2690, lines 245-250; P-0003, [PHL-OTP-00000547](#) at 0016, lines 492-495, [PHL-OTP-00000552](#) at 0007, lines 248-262, at 0010, lines 295-305; P-0004, [PHL-OTP-0004-0006](#) at 0059-0060, paras. 259-265; P-0008, [PHL-OTP-00000598](#) at 0011, lines 334-342; P-0009, [PHL-OTP-0002-0626](#) at 0685-0686, paras. 306, 308, 310, at 0697-0698, paras. 368-369.

¹⁸² PDEA, [PHL-OTP-0003-2538](#) at 2538-2545; [REDACTED], [PHL-OTP-00015506](#) at 0004, lines 88-98, [PHL-OTP-00015507](#) at 0005-0006, lines 123-190; P-0003, [PHL-OTP-00000547](#) at 0003-0005, lines 37-97; [REDACTED], [PHL-OTP-0003-3037](#).

¹⁸³ [REDACTED], [PHL-OTP-0004-1036](#).

quotas.¹⁸⁴ Overall, these common features show that the acts formed part of a course of conduct committed in the context of, and in connection with, the Common Plan.

55. The targets were primarily civilians on Philippine territory alleged by the authorities to be involved in crimes including drug-related activities, and their family members.¹⁸⁵ This is evidenced, *inter alia*, by insider witness accounts that they targeted victims on this basis,¹⁸⁶ the fact that many victims had been on drug watch lists before their deaths,¹⁸⁷ public pronouncements by **DUTERTE** about targeting those suspected of involvement in “criminality, the sale and use of illegal drugs”,¹⁸⁸ as well as **DUTERTE** and his associates’ private instructions to direct perpetrators to target such individuals.¹⁸⁹ Police assets and hitmen who had lost the trust of their handlers, and were considered to be a risk of revealing the scope of the perpetrators’ criminal activities, were also targeted and eliminated as part of the attack.¹⁹⁰

2. *The attack was carried out pursuant to or in furtherance of a State policy*

56. The attack was carried out pursuant to a State policy¹⁹¹ to attack alleged criminals in the Philippines, who were supposedly involved in drug-related (including production, sale and use) and other crimes (such as theft and murder). **DUTERTE** espoused and implemented the policy

¹⁸⁴ [REDACTED], [PHL-OTP-00015527](#) at 0007-0008, lines 243-282, [PHL-OTP-00015528](#) at 0002-0003; P-0009, [PHL-OTP-0002-0626](#) at 0665, at 0685-0686, paras. 306, 308, 310.

¹⁸⁵ [REDACTED] [PHL-OTP-0001-2639](#) at 2652-2653, lines 422-480, [PHL-OTP-0001-2682](#) at 2690, lines 245-250; P-0003, [PHL-OTP-00000547](#) at 0016, lines 492-495, [PHL-OTP-00000552](#) at 0007, lines 248-262, at 0010, lines 295-305; P-0004, [PHL-OTP-0004-0006](#) at 0059-0060, paras. 259-265; P-0008, [PHL-OTP-00000598](#) at 0011, lines 334-342; P-0009, [PHL-OTP-0002-0626](#) at 0685-0686, paras. 306, 308, 310, at 0697-0698, paras. 368-369; [REDACTED] [PHL-OTP-00000147](#) at 0030.

¹⁸⁶ [REDACTED], [PHL-OTP-0001-2605](#) at 2616, lines 341-343; [REDACTED] [PHL-OTP-00015501](#) at 0001, lines 13-14; [REDACTED], [PHL-OTP-00000147](#) at 0030, line 19; [REDACTED], [PHL-OTP-00015390](#) at 0010, lines 341-343.

¹⁸⁷ P-0003, [PHL-OTP-00000553](#), 0015-0018, lines 479-485, [PHL-OTP-00000556](#) at 0012, lines 396-397; P-0004, [PHL-OTP-0004-0006](#) at 0059-0060, paras. 259-265, at 0068, paras. 307-308, at 0073, para. 330; P-0009, [PHL-OTP-0002-0626](#) at 0685-0686, paras. 306, 308, 310, at 0697-0698, paras. 368-369. *See also* HRW, [PHL-OTP-0003-0662](#) at 0718, 0727, 0737-0740; Reuters, [PHL-OTP-0003-0283](#) at 0283-0287.

¹⁸⁸ PCOO, **DUTERTE**’s Speech, 30 June 2016, [PHL-OTP-0003-3291](#) at 3292. *See also* PCOO, **DUTERTE**’s Speech, 15 January 2018, [PHL-OTP-0003-3800](#) (Translation [PHL-OTP-00015493](#) at 0004); PCOO, **DUTERTE**’s Speech, 13 March 2017, [PHL-OTP-0003-3224](#) (Translation [PHL-OTP-00015479](#) at 0015; PCOO, **DUTERTE**’s Speech, 14 March 2017, [PHL-OTP-0003-3261](#) (Translation [PHL-OTP-00015492](#) at 0006).

¹⁸⁹ [REDACTED], [PHL-OTP-00015501](#) at 0002, lines 8-21; [REDACTED], [PHL-OTP-00000147](#) at 0030, paras. 19-22.

¹⁹⁰ *See e.g.* [REDACTED], [PHL-OTP-00000541](#) at 0009, lines 246-250, [PHL-OTP-00000545](#) at 0010-0017, lines 299-328, [PHL-OTP-00000550](#) at 0010, lines 290-291; [REDACTED], [PHL-OTP-00015461](#) at 0004-0011, lines 73-312, [PHL-OTP-00015462](#) at 0002-0011, lines 4-323, [PHL-OTP-00015463](#) at 0002-0008, lines 2-217, [PHL-OTP-00015464](#) at 0008-0009, lines 218-272.

¹⁹¹ The requirement of a “State or organisational policy” ensures that an attack against the civilian population has a “collective” dimension. A policy may consist of a pre-established design or plan, but may also crystallise and develop only as actions are undertaken by the perpetrators. It need not be bureaucratic, formalised, or precise, and may be implicit and may be inferred from the manner in which the acts occur. *See Al Hassan CD*, para. 181; *Ntaganda TJ*, para. 674; *Bemba CD*, para. 81; *Katanga & Chui CD*, para. 396; *Gbagbo CD*, para. 215; *Katanga TJ*, paras. 1108, 1110; *Bemba TJ*, para. 160 (fn. 361).

as Mayor in Davao City, and later, as promised in his election campaign, implemented it nationwide as President. The policy was connected to the State, as the State's forces and resources were used to promote, condone and execute the attack. The crimes were planned, ordered and perpetrated using State personnel, including from the PNP and PDEA.¹⁹²

57. The policy is evidenced through a range of factors. *First*, [REDACTED] the origins of the policy in Davao City in the late 1980s, when **DUTERTE** instructed police and paid non-police hitmen in Davao City to kill criminals including drug personalities.¹⁹³ [REDACTED] **DUTERTE** disseminated this policy to perpetrators and authorised and financed killings when he was Mayor and Vice Mayor of Davao.¹⁹⁴ He also disseminated the policy to the general public through his frequent media appearances. For example, he asserted at a 2013 press conference that shoot-to-kill orders and “rewards”, including for delivery of a “carcass” are “legitimate tools of government to fight lawlessness”—“dead, then I double the prize”.¹⁹⁵ In a 2015 televised interview, he said that if drug dealers did not leave Davao City within 48 hours, “I will kill you [...] I will tell the police to shoot you”.¹⁹⁶ As noted above, he subsequently asserted that this policy “worked” and he would apply it as President.¹⁹⁷

58. *Second*, not only was the policy implemented through the use of State forces and resources, but there was a high degree of coordination amongst different State actors, as well as between State actors and hitmen, to commit the crimes.¹⁹⁸ The State actors included police

¹⁹² There is no need for a “State or organisational policy” to have been conceived at the national level. A policy “adopted by regional or even local organs of the State” can equally satisfy this requirement. See [Kenya Article 15 Decision](#), para. 89.

¹⁹³ [REDACTED], [PHL-OTP-0001-2576](#) at 2591-2592, lines 510-537, at 2599-2602, lines 758-859, [PHL-OTP-0001-2605](#) at 2611-2614, lines 185-288, at 2616, lines 347-366; [REDACTED], [PHL-OTP-00015500](#) at 0009-0010, lines 302-338, [PHL-OTP-00015514](#) at 0011, lines 370-378; [REDACTED], [PHL-OTP-0006-9247](#) at 9247-9248.

¹⁹⁴ [REDACTED], [PHL-OTP-0001-2605](#) at 2620-2621, lines 479-540, at 2630-2632 lines 822-902; [REDACTED], [PHL-OTP-00015514](#) at 0002-0004, lines 23-93, [PHL-OTP-00015502](#) at 0001-0002, lines 24-69; [REDACTED], [PHL-OTP-0006-9247](#) at 9249, 9252; [REDACTED], [PHL-OTP-00015390](#) at 0011, lines 383-409.

¹⁹⁵ Video of **DUTERTE**'s Speech, uploaded 15 July 2013, [PHL-OTP-00000354](#) (Transcript [PHL-OTP-00001679](#), Translation [PHL-OTP-00001682](#)). See also Video of **DUTERTE**'s Interview, uploaded 15 July 2013, [PHL-OTP-00000285](#) (Transcript [PHL-OTP-00000840](#), Translation [PHL-OTP-00000848](#)).

¹⁹⁶ Video of **DUTERTE**'s Speech, uploaded 26 October 2015, [PHL-OTP-00000306](#) (Transcript [PHL-OTP-00000847](#), Translation [PHL-OTP-00000855](#)); SunStar, [PHL-OTP-00000409](#).

¹⁹⁷ See above para. 32.

¹⁹⁸ President of the Philippines, Executive Order No. 15: Creation of the Inter-Agency Committee on Anti-Illegal Drugs (ICAD) and Anti-Illegal Drug Task Force to Suppress the Drug Problem in the Country, 6 March 2017, [PHL-OTP-0005-0415](#); DILG, Memorandum No.2016-03, 13 July 2016, Section 6.1.1, [PHL-OTP-0003-3335](#) at 3337; DILG, Memorandum No.2016-113, 2 September 2016, [PHL-OTP-0005-0323](#) (implementing the MASA MASID programme, coordinating community action in “the fight against illegal drugs and criminality”); [REDACTED], [PHL-OTP-0001-2731](#) at 2747-2748, lines 508-550, [PHL-OTP-0001-2605](#) at 2630-2632, lines 822-902; [REDACTED], [PHL-OTP-00015514](#) at 0009, lines 368-378, [PHL-OTP-00015502](#) at 0008, lines 273-274, [PHL-OTP-00015503](#) at 0002, lines 7-19, [PHL-OTP-00015542](#) at 0001-0002, lines 25-74; P-0003, [PHL-OTP-00000549](#) at 0005-0007, lines 164-184; P-0004, [PHL-OTP-0004-0006](#) at 0059-0060, paras. 262-265; P-

personnel under **DUTERTE**'s control in Davao City when he was Mayor and, later, PNP, PDEA and other State forces under his overall authority when he was President. In both periods, local administrators coordinated with law enforcement personnel to target victims. [REDACTED].¹⁹⁹ During the Presidential period, *barangay* counsellors gave police the names of targets and provided personnel to surveil such targets and report their whereabouts to police perpetrators.²⁰⁰ **DUTERTE**'s Davao City Mayor's Office provided the DDS with vehicles, ammunition and firearms to perpetrate crimes pursuant to the policy, as well as paid hitmen a regular salary ([REDACTED]).²⁰¹ Similarly, when **DUTERTE** was President, police instructed and coordinated with non-police assets, who used equipment provided by police, to perpetrate killings.²⁰²

59. *Third*, the anti-drugs component of the policy was ultimately formalised through CMC No. 16-2016 by **DUTERTE**'s long-time ally and PNP Chief appointee DELA ROSA.²⁰³ CMC No. 16-2016's launch was immediately followed by a marked increase in killings.²⁰⁴ Such killings were endorsed by **DUTERTE**'s administration, which, for example, listed "3,967 Drug personalities who died in anti-drug operations" as "accomplishments" in its public reporting.²⁰⁵

60. *Fourth*, the policy is articulated through the abundance of public statements by **DUTERTE**, made during his time as both Mayor²⁰⁶ and President,²⁰⁷ as well as by other Philippine Government officials, encouraging, supporting and urging law enforcement personnel and the public to kill suspected criminals including alleged drug users and dealers.²⁰⁸

0009, [PHL-OTP-0002-0626](#) at 0650, para. 125; [REDACTED], [PHL-OTP-0006-9247](#) at 9249, 9260, [PHL-OTP-00000147](#) at 0034, paras. 46-49; Reuters, [PHL-OTP-0003-0283](#).

¹⁹⁹ [REDACTED], [PHL-OTP-00015503](#) at 0002, lines 2-22; [REDACTED], [PHL-OTP-00015440](#) at 0008-0009, lines 286-284.

²⁰⁰ P-0003, [PHL-OTP-00000549](#) at 0005-0007, lines 164-184.

²⁰¹ [REDACTED], [PHL-OTP-0001-2691](#) at 2703-2704, lines 385-430, at 2725-2726, lines 1136-1162; [REDACTED], [PHL-OTP-00015503](#) at 0002-0003, lines 31-61; [REDACTED], [PHL-OTP-0006-9247](#) at 9250; HRW, [PHL-OTP-0003-0886](#) at 0941-0942.

²⁰² P-0003, [PHL-OTP-00000541](#) at 0015-0017, lines 485-539, [PHL-OTP-00000529](#) at 0009-0010, lines 294-310; P-0008, [PHL-OTP-00000597](#) at 0017, lines 546-592, [PHL-OTP-00000601](#) at 0013-0014, lines 401-433.

²⁰³ *See above* paras. 39-40.

²⁰⁴ *See above* paras. 51-52.

²⁰⁵ PCOO, [PHL-OTP-0003-3355](#) at 3379. *See also* Supreme Court of the Republic of the Philippines, *Aileen Almora et al. v. Director General Ronald Dela Rosa*, G.R. Nos. 234359 and 234484, 3 April 2018, [PHL-OTP-0003-3058](#) at 3103 (where the Supreme Court noted: "The government's inclusion of these deaths among its other accomplishments may lead to the inference that these are state-sponsored killings").

²⁰⁶ *See below* VI. E. **DUTERTE** is Criminally Responsible for the Crimes Alleged in this Application.

²⁰⁷ *See above* paras. 36, 40-41, 43-45, 49 and *below* VI. E. **DUTERTE** is Criminally Responsible for the Crimes Alleged in this Application.

²⁰⁸ Video of DELA ROSA's Interview, 26 August 2016, [PHL-OTP-00000288](#) (Transcript [PHL-OTP-00000841](#), Translation [PHL-OTP-00000849](#) at 0002); Inquirer, [PHL-OTP-0003-1350](#) at 1351; The Philippine Star, [PHL-OTP-0003-1377](#) at 1377; Video of AGUIRRE's Speech, 1 February 2017, [PHL-OTP-00001460](#) (Transcript [PHL-OTP-00014861](#), Translation [PHL-OTP-00014867](#) at 0002); PhilStar, [PHL-OTP-0003-0032](#) at 0032; CNN, [PHL-OTP-0003-0183](#) at 0184.

61. *Fifth*, the policy is evidenced by payments offered by **DUTERTE** for killings, as well as by the accounts of insider witnesses that they received cash rewards per head for killings.²⁰⁹

62. *Finally*, the policy is demonstrated by **DUTERTE**'s repeated public promises to shield perpetrators of crimes committed in furtherance of the Common Plan, some of which are described in other parts of this Application.²¹⁰ These factors make it clear that a State policy existed to attack alleged criminals, including those involved in drug activities.

3. *The attack was both widespread and systematic*

63. The attack was widespread. It was carried out on a large scale and frequent basis, victimising a significant number of civilians over a broad geographic area and a prolonged period of time.²¹¹ During the Mayoral period, the part of the attack which falls within the temporal jurisdiction of the investigation occurred in Davao City for a period of more than seven years.²¹² The attack continued during Presidential period, where it was expanded to all regions of the Philippines for almost three years.²¹³ Potentially tens of thousands of killings were perpetrated,²¹⁴ with the Government acknowledging that 5,281 “drug personalities” “died in anti-drug operations” between 1 July 2016 and 28 February 2019.²¹⁵ Witnesses describe how killings were perpetrated virtually every night in the Mayoral and Presidential periods.²¹⁶

64. The attack was also systematic, which can be inferred from the evidence of the State policy,²¹⁷ and is further demonstrated by: the preparations (including the coordinated preparedness by **DUTERTE**'s administration to roll out the anti-illegal drugs campaign on the first day of the Presidency);²¹⁸ the highly organised and coordinated nature of the attack (amongst different State actors, and between State actors and hired hitmen, to perpetrate the acts);²¹⁹ and a clear and consistent pattern of violence directed at the targeted population.²²⁰

²⁰⁹ [REDACTED] [PHL-OTP-0001-2605](#) at 2621, lines 512-516; [REDACTED], [PHL-OTP-00015509](#) at 0017, lines 619-625; [REDACTED], [PHL-OTP-00015390](#) at 0010-0012, lines 355-388; Commission on Audit Report on the Office of the President for 2016, [PHL-OTP-00000397](#) at 0022, 0023; Reuters, [PHL-OTP-0003-0092](#); GMA, [PHL-OTP-0003-1847](#).

²¹⁰ See above para. 40 and below para. 94.

²¹¹ [Ntaganda TJ](#), para. 691; [Ongwen TJ](#), para. 2681; [Ntaganda AWA Decision](#), para. 19; [Katanga & Chui CD](#), paras. 395, 398; [Katanga TJ](#), para. 1098.

²¹² Being 1 November 2011 to 16 March 2019.

²¹³ Being 1 July 2016 to 16 March 2019.

²¹⁴ See above para. 52-53.

²¹⁵ PDEA, [PHL-OTP-0003-2538](#) at 2538.

²¹⁶ P-0004, [PHL-OTP-0004-0006](#) at 0020, para. 63; [REDACTED], [PHL-OTP-0006-9247](#) at 9250-9251, 9258.

²¹⁷ See above paras. 56-62.

²¹⁸ See above paras. 34-36. See also [REDACTED], [PHL-OTP-00015389](#) at 0002, lines 18-31.

²¹⁹ See above para. 59 (fn 198).

²²⁰ See above para. 55.

4. *There is a nexus between the individual acts and the attack*

65. There is a nexus²²¹ between the identified individual acts charged in Counts 1-5 and the attack, given: (i) the geographic and temporal overlap between the attack and the crimes; (ii) that in many instances the perpetrators of the crimes—members of Philippine law enforcement and associated perpetrators—appear to be responsible for the attack; (iii) that the same category of persons (alleged criminals and individuals associated with them) were the object of the attack and the victims of the crimes; and (iv) the aims of the acts were consistent with the purported aims of the attack, namely to eliminate and deter criminality and drug use.²²²

66. The incidents described in Counts 2 (torture) and 3 (rape) were committed as part of the attack because: Incident 1 was perpetrated pursuant to **DUTERTE**'s instructions via the DDS hierarchy;²²³ and Incident 6²²⁴ [REDACTED].²²⁵ The perpetrators knew and intended their conduct to be part of the attack because: the conduct occurred in the context of interrogating alleged criminals; and they knew that they would receive reward money via the DDS hierarchy once the victims 'confessed' to their alleged criminality and could be killed.²²⁶

5. *The perpetrators intended the conduct to be part of a widespread or systematic attack against a civilian population*

67. **DUTERTE**, his co-perpetrators and the physical perpetrators intended that the crimes form part of the attack. **DUTERTE** and his co-perpetrators knew this because they devised the policy and implemented it through the DDS and National Network. The crimes were committed by members of the DDS and the National Network [REDACTED]. From their experience in Davao City they knew that the physical perpetrators were prepared to commit the crimes in furtherance of the purported goals of the attack. Their intent is also reflected in their frequent public statements in support of the conduct to further the attack. The physical perpetrators' intent is seen in their statements that they intended the commission of the crimes to further the goals of the attack. [REDACTED].²²⁷

²²¹ *Bemba TJ*, para. 164; *Katanga TJ*, para. 1124.

²²² Counts 1-5; [REDACTED], [PHL-OTP-00015527](#) at 0007-0008, lines 243-270, [PHL-OTP-00015528](#) at 0002-0003, lines 8-54; P-0009, [PHL-OTP-0002-0626](#) at 0665, para. 201, at 0685-0686, paras. 306, 308, 310; [REDACTED], [PHL-OTP-0006-9247](#) at 9247, 9251.

²²³ See below para. 69, Incident 1.

²²⁴ See below para. 69, Incident 6.

²²⁵ ICC Elements of Crimes, article 7(1)(f)(4).

²²⁶ ICC Elements of Crimes, article 7(1)(f)(5).

²²⁷ [REDACTED], [PHL-OTP-0001-2779](#) at 2783-2784, lines 133-144.

D. DUTERTE COMMITTED CRIMES AGAINST HUMANITY

68. There are reasonable grounds to believe that, between 1 November 2011 and 16 March 2019, **DUTERTE** committed the crimes listed in Section V. Non-argumentative Annex C further specifies how the Prosecution relies on the evidence to substantiate these incidents.

1. *The crime against humanity of murder under article 7(1)(a)*

a. **Count 1: Murders in Davao City during the Mayoral period by the DDS**

69. The murders in Incidents 1-5, 7-10 were perpetrated by the DDS while **DUTERTE** was Mayor of Davao City. DDS members were instructed to kill the victims because they were each alleged to be involved in various forms of criminality, as detailed below.

- (i) **Incident 1 - Murder of three alleged drug pushers, all First Name Unknown (“FNU”) Last Name Unknown (“LNU”), in [REDACTED], Davao City in or around 2013:**²²⁸ [REDACTED].
- (ii) **Incident 2 - Murder of seven alleged criminals, all FNU LNU, [REDACTED] Davao del Norte in or around 2013:**²²⁹ **DUTERTE** instructed [REDACTED].²³⁰ [REDACTED] DDS members²³¹ who abducted the seven [REDACTED] and took them to [REDACTED] Davao Del Norte.²³² [REDACTED].²³³ [REDACTED].²³⁴ [REDACTED].²³⁵

70. In Incidents 3-5 and 7-10, [REDACTED]²³⁶ [REDACTED]²³⁷ [REDACTED].²³⁸

- (i) **Incident 3 - Murder of alleged thieves [REDACTED]²³⁹ [REDACTED] at [REDACTED] Davao City on [REDACTED] 2013:**²⁴⁰ [REDACTED] [REDACTED] shot and killed one.²⁴¹ They reported to [REDACTED] that the job was done, who in

²²⁸ Annex C, Victim numbers 1-3.

²²⁹ Annex C, Victim numbers 4-10.

²³⁰ [REDACTED], [PHL-OTP-00015447](#) at 0007-0008, lines 173-226, [PHL-OTP-00015448](#) at 0006-0007, lines 169-181, [PHL-OTP-00015452](#) at 0003-0004, lines 59-60, 74-85.

²³¹ [REDACTED], [PHL-OTP-00015447](#) at 0007-0008, lines 173-226, [PHL-OTP-00015448](#) at 0003, lines 45-58, at 0006, lines 159-165.

²³² [REDACTED], [PHL-OTP-00015447](#) at 0007-0008, lines 173-178, 229-242, at 0010-0011, lines 283-311, [PHL-OTP-00015448](#) at 0002, lines 6-23, [PHL-OTP-00015452](#) at 0003-0004, lines 30-85.

²³³ [REDACTED], [PHL-OTP-00015447](#) at 0007-0008, lines 173-180, 236-239, at 0010-0011, lines 304-316.

²³⁴ [REDACTED], [PHL-OTP-00015447](#) at 0008-0011, lines 236-238, 257-282, 317-330, [PHL-OTP-00015448](#) at 0003, lines 37-44.

²³⁵ [REDACTED], [PHL-OTP-00015448](#) at 0006-0007, lines 169-181.

²³⁶ ICC Elements of Crimes, article 7(1)(a)(1).

²³⁷ [REDACTED].

²³⁸ [REDACTED], [PHL-OTP-0001-2605](#) at 2630-2632, lines 822-902.

²³⁹ [REDACTED].

²⁴⁰ Annex C, Victim numbers 11-13.

²⁴¹ [REDACTED], [PHL-OTP-0001-2682](#) at 2683-2690, lines 17-250, [PHL-OTP-0001-2691](#) at 2692-2698, lines 23-210.

turn informed [REDACTED]²⁴² [REDACTED].²⁴³ [REDACTED]²⁴⁴
[REDACTED].²⁴⁵

(ii) **Incident 4** - Murder of alleged drug pusher [REDACTED]²⁴⁶ Davao City on [REDACTED] 2014.²⁴⁷ [REDACTED] obtained **DUTERTE**'s clearance, [REDACTED], to kill alleged drug pusher [REDACTED].²⁴⁸ [REDACTED] shot and killed [REDACTED].²⁴⁹

(iii) **Incident 5** - Murder of alleged thief [REDACTED] LNU [REDACTED] Davao City on [REDACTED] 2014.²⁵⁰ **DUTERTE** authorised the killing of alleged thief [REDACTED] LNU.²⁵¹ [REDACTED]²⁵² [REDACTED] shot and killed [REDACTED].²⁵³ [REDACTED].²⁵⁴

(iv) **Incident 7** - Murder of alleged drug pusher FNU LNU in [REDACTED] Davao City on [REDACTED] 2014.²⁵⁵ [REDACTED].²⁵⁶ [REDACTED] shot [REDACTED] multiples times, killing [REDACTED].²⁵⁷ [REDACTED].²⁵⁸

²⁴² See [REDACTED], [PHL-OTP-00015402](#) at 0006; [REDACTED], [PHL-OTP-00015390](#) at 0012.

²⁴³ [REDACTED], [PHL-OTP-0001-2682](#) at 2683-2690, lines 17-250, [PHL-OTP-0001-2691](#) at 2692-2698, lines 23-210.

²⁴⁴ [REDACTED], [PHL-OTP-00000324](#), [PHL-OTP-00000321](#).

²⁴⁵ [REDACTED], [PHL-OTP-0001-2682](#) at 2685, line 103.

²⁴⁶ [REDACTED], *see* [REDACTED], [PHL-OTP-00001717](#) at 0002-0003, lines 2-51, [PHL-OTP-00001418](#) at 0003-0004, lines 67-75, [PHL-OTP-00001719](#) at 0002, lines 4-26, [PHL-OTP-00000418](#) at 0002, [PHL-OTP-0001-0304](#) at 0304.

²⁴⁷ Annex C, Victim number 14.

²⁴⁸ [REDACTED], [PHL-OTP-00001718](#) at 0004-0006, lines 77-168, at 0009-0011, lines 259-315.

²⁴⁹ [REDACTED], [PHL-OTP-00001717](#) at 0002-0003, lines 2-51, [PHL-OTP-00001418](#) at 0002-0004, lines 17-75, at 0006-0009, lines 168-259, at 0011-0014, lines 316-437, [PHL-OTP-00001719](#) at 0002-0003, lines 4-49; SunStar, [PHL-OTP-00000422](#).

²⁵⁰ Annex C, Victim number 15.

²⁵¹ [REDACTED], [PHL-OTP-00001724](#) at 0002-0006, lines 13-147, [PHL-OTP-00001725](#) at 0009-0010, lines 266-267, 301-312; SunStar, [PHL-OTP-00000423](#) at 0003.

²⁵² [REDACTED], [PHL-OTP-00001724](#) at 0004-0010, lines 75-207, 224-236, 247-276, [PHL-OTP-00001725](#) at 0004, lines 74-82, at 0011, lines 326-329.

²⁵³ [REDACTED], [PHL-OTP-00001724](#) at 0007-0009, lines 197-248, [PHL-OTP-00001725](#) at 0009-0010, lines 261-279; SunStar, [PHL-OTP-00000423](#) at 0003.

²⁵⁴ [REDACTED], [PHL-OTP-00001724](#) at 0009, lines 269-270.

²⁵⁵ Annex C, Victim number 17.

²⁵⁶ [REDACTED], [PHL-OTP-00001732](#) at 0003-0004, lines 58-97, at 0006, lines 145-160.

²⁵⁷ [REDACTED], [PHL-OTP-00001732](#) at 0003-0009, lines 58-271, [PHL-OTP-00001733](#) at 0002-0004, lines 3-90; TV Patrol Southern Mindanao, [PHL-OTP-00000426](#) (Translation [PHL-OTP-00001483](#) at 0002).

²⁵⁸ [REDACTED], [PHL-OTP-00001732](#) at 0009, lines 252-256.

- (v) **Incident 8 - Murder of alleged drug pusher [REDACTED]²⁵⁹ at [REDACTED] Davao City on [REDACTED] 2014.²⁶⁰ [REDACTED]²⁶¹ [REDACTED]²⁶² [REDACTED] and shot [REDACTED] several times, killing [REDACTED].²⁶³**
- (vi) **Incident 9 - Murder of alleged drug pusher [REDACTED]²⁶⁴ at [REDACTED] Davao City on [REDACTED] 2016.²⁶⁵ [REDACTED]²⁶⁶ [REDACTED].²⁶⁷ Following instructions from [REDACTED] DDS group²⁶⁸ went to the [REDACTED] shot the target [REDACTED] killing [REDACTED].²⁶⁹ [REDACTED].²⁷⁰**
- (vii) **Incident 10 - Murder of alleged drug pusher [REDACTED] in [REDACTED] Davao City on [REDACTED] 2016.²⁷¹ [REDACTED] was an alleged drug pusher.²⁷² [REDACTED] DDS group²⁷³ to the target's location, [REDACTED] shot [REDACTED] multiple times, killing [REDACTED].²⁷⁴ [REDACTED].²⁷⁵**

b. Count 4: Murders of HVTs during the Presidential period

71. The murders described in Incidents 12, 14 and 17 were perpetrated by members of Philippine law enforcement, sometimes with the assistance of non-police assets, against targets labelled as “high-value” for their alleged involvement in drug syndicates.

²⁵⁹ Alias: [REDACTED].

²⁶⁰ Annex C, Victim number 18.

²⁶¹ [REDACTED], [PHL-OTP-00001741](#) at 0013, lines 374-392.

²⁶² [REDACTED], [PHL-OTP-00001739](#) at 0004, line 81, [PHL-OTP-00001741](#) at 0002-0003 lines 36-66, at 0006, lines 156-161, [PHL-OTP-0001-0304](#) at 0304, [PHL-OTP-00000418](#) at 0003; SunStar, [PHL-OTP-00000522](#) (Translation [PHL-OTP-00001484](#)), [PHL-OTP-00000520](#) at 0001.

²⁶³ [REDACTED], [PHL-OTP-00001741](#) at 0002-0013, lines 36-373, [PHL-OTP-00000454](#) at 0002-0003, [PHL-OTP-00000455](#) at 0002-0003; SunStar, [PHL-OTP-00000522](#) (Translation [PHL-OTP-00001484](#)), [PHL-OTP-00000520](#) at 0001.

²⁶⁴ Alias: [REDACTED].

²⁶⁵ Annex C, Victim number 19.

²⁶⁶ [REDACTED], [PHL-OTP-00001709](#) at 0002-0004, lines 35-71.

²⁶⁷ [REDACTED], [PHL-OTP-0001-2731](#) at 2734, lines 70-75, [PHL-OTP-0001-0304](#) at 0304, [PHL-OTP-0001-0306](#) at 0306, [PHL-OTP-00001708](#) at 0004-0005, lines 106-139, [PHL-OTP-00001709](#) at 0010-0011, lines 292-329; ABS-CBN, [PHL-OTP-00000419](#) at 0002; SunStar, [PHL-OTP-00000374](#) at 0001.

²⁶⁸ [REDACTED], [PHL-OTP-00001708](#) at 0005-0007, lines 130-133, 174-182, at 0009-0011, lines 299-327, [PHL-OTP-00001709](#) at 0002-0004, lines 35-71, at 0007-0008, lines 202-228, at 0012-0013, lines 365-410.

²⁶⁹ [REDACTED], [PHL-OTP-00001708](#) at 0004-0013, lines 106-392, [PHL-OTP-00001709](#) at 0002-0013, lines 2-403.

²⁷⁰ [REDACTED], [PHL-OTP-00001709](#) at 0008, lines 213-228.

²⁷¹ Annex C, Victim number 20.

²⁷² [REDACTED], [PHL-OTP-00001711](#) at 0008-0011, lines 219-328, [PHL-OTP-0001-0304](#) at 0304; Davao Today, [PHL-OTP-00000524](#) at 0001; Sunnexdesk, [PHL-OTP-00000421](#), at 0002; Investigation Report, [PHL-OTP-00000526](#).

²⁷³ [REDACTED], [PHL-OTP-00001711](#) at 0013-0015, lines 383-408, [PHL-OTP-00001712](#) at 0006-0007, lines 161-176; [PHL-OTP-00001713](#) at 0002, lines 19-22, at 0008-0009, lines 240-277, at 0011-0012, lines 345-380; [PHL-OTP-00001714](#) at 0006-0008, lines 151-220; [PHL-OTP-00001715](#) at 0005-0009, lines 126-202.

²⁷⁴ [REDACTED], [PHL-OTP-00001711](#) at 0006-0015, lines 167-473, [PHL-OTP-00001712](#) at 0002-0013, lines 34-381; Davao Today, [PHL-OTP-00000524](#) at 0001; Sunnexdesk, [PHL-OTP-00000421](#), at 0002; Investigation Report, [PHL-OTP-00000526](#).

²⁷⁵ [REDACTED], [PHL-OTP-00001714](#) at 0006-0007, lines 171-188.

- (i) **Incident 12** - Murder of alleged drug manufacturers [REDACTED],²⁷⁶ [REDACTED]²⁷⁷ and [REDACTED]²⁷⁸ at [REDACTED]:²⁷⁹ [REDACTED].²⁸⁰ [REDACTED].²⁸¹ [REDACTED].²⁸² [REDACTED].²⁸³ [REDACTED]²⁸⁴ [REDACTED].²⁸⁵
- (ii) **Incident 14** - Murder of alleged drug manufacturers [REDACTED]²⁸⁶ and [REDACTED]:²⁸⁷ [REDACTED].²⁸⁸ [REDACTED].²⁸⁹ At the target location, [REDACTED] and shot and killed them immediately. [REDACTED].²⁹⁰ [REDACTED].²⁹¹ [REDACTED].²⁹²
- (iii) **Incident 17** - Murder of [REDACTED] 2017:²⁹³ [REDACTED].²⁹⁴ [REDACTED].²⁹⁵ [REDACTED].²⁹⁶ [REDACTED].²⁹⁷ [REDACTED].²⁹⁸

²⁷⁶ Alias: [REDACTED].

²⁷⁷ Alternative spelling: [REDACTED].

²⁷⁸ Alternative spelling: [REDACTED].

²⁷⁹ Annex C, Victim numbers 22-24.

²⁸⁰ [REDACTED], [PHL-OTP-00015357](#), [REDACTED], rows 234-236.

²⁸¹ P-1155, [PHL-OTP-00016420](#) at 0011-0015, lines 314-458, at 0024-0026, lines 777-857, at 0030, lines 951-971, at 0048-0052, lines 1580-1702; P-1156, [PHL-OTP-00017506](#) at 0009-0011, line 264-327, at 0018-0031, lines 565-613, 695-753, 768-989, at 0042-0043, lines 1395-1407; P-1157, [PHL-OTP-00017072](#) at 0004-0005, lines 97-153, at 0008-0012, lines 254-340, 376-398, at 0018, lines 576-583.

²⁸² P-1155, [PHL-OTP-00016420](#) at 0015-0017, lines 460-539, at 0027, lines 862-882, at 0052-0053, lines 1703-1733; P-1156, [PHL-OTP-00017506](#) at 0011-0014, lines 330-422, at 0031, lines 990-1020; P-1157, [PHL-OTP-00017072](#) at 0006, lines 159-168, at 0012-0016, lines 399-517.

²⁸³ P-1155, [PHL-OTP-00016420](#) at 0018-0023, lines 541-652, 691-721, at 0028-0035, lines 883-950, 972-1147, at 0053, lines 1734-1750; P-1156, [PHL-OTP-00017506](#) at 0014-0015, lines 425-478, at 0017-0018, lines 541-561, at 0024, lines 760-767, at 0031-0038, lines 1021-1162, 1188-1242; P-1157, [PHL-OTP-00017072](#) at 0006-0007, lines 164-197, at 0016-0017, lines 518-568; GoPHL, [PHL-OTP-00014890](#) at 0017-0021; [REDACTED], [PHL-OTP-00014890](#) at 0025-0027.

²⁸⁴ P-1155, [PHL-OTP-00016420](#) at 0021-0022, lines 665-691, at 0035-0042, lines 1149-1395; P-1156, [PHL-OTP-00017506](#) at 0016, lines 501-529, at 0043-0046, lines 1411-1503.

²⁸⁵ [REDACTED], [PHL-OTP-00015357](#), [REDACTED].

²⁸⁶ [REDACTED].

²⁸⁷ Annex C, Victim numbers 26-28.

²⁸⁸ P-1077, [PHL-OTP-00015487](#) at 0024-0026, lines 825-871, at 0028 lines 942-948, at 0030-0031, lines 1043-1077, [PHL-OTP-00015488](#) at 0002-0004, lines 30-100.

²⁸⁹ P-1077, [PHL-OTP-00015487](#) at 0027-0028, lines 905-938, at 0033, lines 1117-1132, [PHL-OTP-00015488](#) at 0004-0006, lines 101-178.

²⁹⁰ P-1077, [PHL-OTP-00015487](#) at 0031, lines 1074-1106, [PHL-OTP-00015488](#) at 0006-0026, lines 180-852, [PHL-OTP-00015489](#) at 0002-0004, lines 22-99; [PHL-OTP-0003-2523](#) at 0009.

²⁹¹ P-1077, [PHL-OTP-00015487](#) at 0032, lines 1108-1115, [PHL-OTP-00015488](#) at 0026-0027, lines 853-928; PhilStar, [PHL-OTP-00015173](#); PNP, [PHL-OTP-00015317](#) at 0001.

²⁹² PNP, [PHL-OTP-00015317](#) at 0001.

²⁹³ Annex C, Victim number 30.

²⁹⁴ See above para. 45.

²⁹⁵ [REDACTED].

²⁹⁶ PNP, [PHL-OTP-00017606](#) at 0001-0003, [PHL-OTP-00017607](#) at 0001, [PHL-OTP-00003426](#) at 0001-0002; P-1122, [PHL-OTP-00014895](#) at 0006, paras. 25-27.

²⁹⁷ P-1168, [PHL-OTP-00017700](#) at 0004, paras. 49-50. See also P-0025, [PHL-OTP-00002236](#) at 0053-0054, paras. 150-151, [PHL-OTP-00003422](#) at 0001-0006; [REDACTED].

²⁹⁸ P-1122, [PHL-OTP-00014895](#) at 0005-0006, paras. 19-28.

c. Count 5: Murders in *barangay* clearance operations during the Presidential period

72. The murders in Incidents 11, 13, 15-16 and 18-31 were perpetrated by members of Philippine law enforcement during **DUTERTE**'s presidency. The victims were all alleged by State actors to be 'low-level' criminals (although some were not criminals at all).

- (i) **Incident 11 - Murder of alleged drug pusher [REDACTED]²⁹⁹ near [REDACTED] Manila on [REDACTED] 2016:³⁰⁰ [REDACTED] was listed as a drug pusher on [REDACTED].³⁰¹ Police from [REDACTED]³⁰² [REDACTED]³⁰³ [REDACTED].³⁰⁴ The police claim [REDACTED] was killed in self-defence during a buy-bust operation.³⁰⁵ However, this account is contradicted by [REDACTED] who saw [REDACTED].³⁰⁶**
- (ii) **Incident 13 - Murder of alleged drug user [REDACTED]³⁰⁷ in [REDACTED] Manila on [REDACTED] 2016:³⁰⁸ [REDACTED] was listed as a drug user [REDACTED].³⁰⁹ [REDACTED].³¹⁰ [REDACTED] police shot and killed [REDACTED]. The police claimed that [REDACTED] shot and killed by police in self-defence.³¹¹ However, this is contradicted by the fact that [REDACTED].³¹²**
- (iii) **Incident 15 - Murder of alleged drug user FNU LNU³¹³ [REDACTED] Bulacan between [REDACTED] 2017.³¹⁴ Police [REDACTED] identified the target for a OTBT operation.³¹⁵ Police officers and non-police assets [REDACTED] approached**

²⁹⁹ Alias: [REDACTED].

³⁰⁰ Annex C, Victim number 21.

³⁰¹ PNP, [PHL-OTP-00016180](#) at 0001, para. 1; Manila City Government, [PHL-OTP-00016191](#) at 0001-0002. *See also* PNP, [PHL-OTP-00016192](#) at 0001-0002; PNP, [PHL-OTP-00016188](#) at 0001, para. 2; Inquirer, [PHL-OTP-00017510](#) at 0001.

³⁰² Manila City Government, [PHL-OTP-00016191](#) at 0001-0002; P-1160, [PHL-OTP-00015602](#) (Translation [PHL-OTP-00016418](#) at 0001).

³⁰³ [REDACTED]: P-1160, [PHL-OTP-00015602](#) (Translation [PHL-OTP-00016418](#) at 0001).

³⁰⁴ P-1160, [PHL-OTP-00015602](#) (Translation [PHL-OTP-00016418](#) at 0001-0002); PNP, [PHL-OTP-00016191](#) at 0001-0002, [PHL-OTP-00016192](#) at 0001-0002, [PHL-OTP-00016188](#) at 0001, [PHL-OTP-00016180](#) at 0001; Inquirer, [PHL-OTP-00017510](#) at 0001.

³⁰⁵ Manila City Government, [PHL-OTP-00016191](#) at 0001-0002, paras. 3-6; PNP, [PHL-OTP-00016192](#) at 0001-0002, [PHL-OTP-00016188](#) at 0001, para. 3, [PHL-OTP-00016180](#) at 0001.

³⁰⁶ P-1160, [PHL-OTP-00015602](#) (Translation [PHL-OTP-00016418](#) at 0001-0002).

³⁰⁷ [REDACTED].

³⁰⁸ Annex C, Victim number 25.

³⁰⁹ PNP, [PHL-OTP-00016789](#) at 0001, para. 2.

³¹⁰ [REDACTED], [PHL-OTP-0002-0621](#).

³¹¹ Police Spot Report, [PHL-OTP-0016-5326](#) at 5326.

³¹² P-0009, [PHL-OTP-0002-0626](#) at 0661-0663, paras. 182-190, [PHL-OTP-0010-8822](#), [PHL-OTP-0010-8823](#); [PHL-OTP-00016781](#).

³¹³ Alias: [REDACTED].

³¹⁴ Annex C, Victim number 28.

³¹⁵ P-0008, [PHL-OTP-00000593](#) at 0010-0014, lines 311-457; P-0003, [PHL-OTP-00000541](#) at 0004, lines 76-84.

the victim, and [REDACTED] shot and killed [REDACTED].³¹⁶ [REDACTED]³¹⁷ [REDACTED].³¹⁸

- (iv) **Incident 16 - Murder of alleged drug pusher FNU LNU³¹⁹ in [REDACTED] Bulacan on [REDACTED] 2017:**³²⁰ The victim was listed as a drug pusher [REDACTED].³²¹ An asset reported [REDACTED] to the police [REDACTED].³²² During a OTBT operation, [REDACTED].³²³ At around 01:00hrs, the group [REDACTED] shot and killed [REDACTED].³²⁴ [REDACTED].³²⁵ The police report falsely claimed that the killing resulted from the victim violently resisting arrest.³²⁶
- (v) **Incident 18 - Murder of alleged drug user FNU LNU³²⁷ in [REDACTED] Bulacan on [REDACTED] 2017:**³²⁸ A group of police and non-police assets abducted the target, alleged to be a former drug user,³²⁹ in [REDACTED].³³⁰ They held [REDACTED] until night-time, when a OTBT operation was scheduled.³³¹ At 01:00hrs [REDACTED] shot and killed him.³³² [REDACTED].³³³ The police report falsely claimed that the killing resulted from the victim violently resisting arrest during a buy-bust operation.³³⁴
- (vi) **Incident 19 - Murder of alleged drug user [REDACTED]³³⁵ and FNU LNU in [REDACTED] Bulacan on [REDACTED] 2017:**³³⁶ The police obtained a search

³¹⁶ P-0003, [PHL-OTP-00000541](#) at 0004, lines 76-84, at 0013-0015, lines 386-482, [PHL-OTP-00000537](#) at 0016, lines 516-521, [PHL-OTP-00000552](#) at 0003-0004, lines 48-91; P-0008, [PHL-OTP-00000593](#) at 0010-0014, lines 311-457.

³¹⁷ [REDACTED]: GoPHL, [PHL-OTP-0004-3480](#) at 3480-3481.

³¹⁸ P-0003, [PHL-OTP-00000541](#) at 0012, lines 365-380, at 0015, lines 463-482.

³¹⁹ Alias: [REDACTED].

³²⁰ Annex C, Victim number 29.

³²¹ PNP, [PHL-OTP-0006-8760](#) at 8773, para. 5.

³²² P-0003, [PHL-OTP-00000556](#) at 0008-0009, lines 219-248.

³²³ P-0003, [PHL-OTP-00000556](#) at 0008-0009, lines 250-274, 304. [REDACTED]: *see* [PHL-OTP-00000541](#) at 0004-0005, lines 97-106, [PHL-OTP-00000542](#) at 0002-0003, lines 14-58, [PHL-OTP-00000594](#) at 0002, lines 31-36.

³²⁴ P-0003, [PHL-OTP-00000556](#) at 0010-0012, lines 276-372.

³²⁵ P-0003, [PHL-OTP-00000556](#) at 0010-0012, lines 276-372.

³²⁶ PNP, [PHL-OTP-0006-8760](#) at 8773, para. 3. *See also* PhilStar, [PHL-OTP-00015255](#) at 0001-0002.

³²⁷ Alias: [REDACTED].

³²⁸ Annex C, Victim number 31.

³²⁹ P-0003, [PHL-OTP-00000547](#) at 0005, lines 112-115; P-1164, [PHL-OTP-0001-0511](#) ([PHL-OTP-0001-0520](#) at 0524).

³³⁰ P-0003, [PHL-OTP-00000547](#) at 0005-0008, lines 118-143, 172-231.

³³¹ P-0003, [PHL-OTP-00000547](#) at 0005-0008, lines 118-143, 172-231; P-0008, [PHL-OTP-00000597](#) at 0004-0006, lines 73-159.

³³² P-0003, [PHL-OTP-00000547](#) at 0004-0006, lines 86-110, 143-157, at 0008-0009, lines 232-250; P-0008, [PHL-OTP-00000597](#) at 0005, lines 112-117, [PHL-OTP-00000605](#) at 0008-0012, lines 219-345, [PHL-OTP-00000612](#) at 0007-0008, lines 207-217.

³³³ P-0003, [PHL-OTP-00000547](#) at 0006, lines 157-160, at 0009-0010, lines 251-291.

³³⁴ PNP, [PHL-OTP-0006-8760](#) at 8775, para. 3.

³³⁵ [REDACTED].

³³⁶ Annex C, Victim numbers 32-33.

warrant on suspicion that [REDACTED] had committed drug-related offences.³³⁷ As part of a OTBT operation, a group of police officers [REDACTED].³³⁸ [REDACTED].³³⁹ [REDACTED].³⁴⁰ The police report falsely claimed that FNU LNU fired towards police and [REDACTED].³⁴¹

- (vii) **Incident 20 - Murder of alleged drug user [REDACTED] Caloocan City on [REDACTED] 2017**:³⁴² Police from [REDACTED] shot and killed [REDACTED] during a OTBT operation.³⁴³ While police claimed that [REDACTED],³⁴⁴ this is contradicted by [REDACTED],³⁴⁵ [REDACTED]³⁴⁶ and [REDACTED]³⁴⁷ showing that prior to being shot, [REDACTED].³⁴⁸ [REDACTED].³⁴⁹ [REDACTED].³⁵⁰
- (viii) **Incident 21 - Murder of alleged drug user [REDACTED]³⁵¹ in [REDACTED] Bulacan on [REDACTED] 2017**:³⁵² [REDACTED] an alleged drug pusher,³⁵³ to the police.³⁵⁴ [REDACTED] in preparation for a OTBT operation.³⁵⁵ The victim was loaded into [REDACTED].³⁵⁶ [REDACTED].³⁵⁷ [REDACTED] shot and killed

³³⁷ PNP, [PHL-OTP-0006-8760](#) at 8776, para. 2; P-0003, [PHL-OTP-00000552](#) at 0006-0007, lines 172-180.

³³⁸ P-0003, [PHL-OTP-00000552](#) at 0006-0014, lines 163-413; P-0008, [PHL-OTP-00000598](#) at 0010-0012, lines 282-362.

³³⁹ P-0003, [PHL-OTP-00000552](#) at 0006-0014, lines 163-413; P-0008, [PHL-OTP-00000598](#) at 0010-0012, lines 282-362.

³⁴⁰ P-0003, [PHL-OTP-00000552](#) at 0012-0014, lines 351-378, 396-413. *See also* PNP, [PHL-OTP-0006-8760](#) at 8776, para. 3.

³⁴¹ PNP, [PHL-OTP-0006-8760](#) at 8776, para. 3.

³⁴² Annex C, Victim number 34.

³⁴³ PNP, [PHL-OTP-00017594](#), paras. 1, 4.

³⁴⁴ PNP, [PHL-OTP-00017594](#), para. 4.

³⁴⁵ [REDACTED], [PHL-OTP-00017642](#).

³⁴⁶ [REDACTED], [PHL-OTP-0003-3109](#) at 3113-3122; P-0009, [PHL-OTP-0002-0626](#) at 0720, paras. 488-489, [PHL-OTP-0014-1201](#), [PHL-OTP-0014-1202](#), [PHL-OTP-0014-1203](#).

³⁴⁷ P-0025, [PHL-OTP-00002236](#) at 0051-0053, paras. 143-146; [REDACTED], [PHL-OTP-0003-3109](#) at 3121-3122.

³⁴⁸ [REDACTED], [PHL-OTP-0003-3109](#) at 3122, 3136.

³⁴⁹ [REDACTED], [PHL-OTP-0003-3109](#) at 3121.

³⁵⁰ [REDACTED], [PHL-OTP-0003-3109](#) at 3133.

³⁵¹ [REDACTED].

³⁵² Annex C, Victim number 35.

³⁵³ PNP, [PHL-OTP-0006-8760](#) at 8777; P-0008, [PHL-OTP-00017740](#) at 0007-0009, lines 203-211, 256-259, [PHL-OTP-00000603](#) at 0013, lines 386-394; P-0003, [PHL-OTP-00000549](#) at 0003, lines 48-52, at 0005-0006, lines 133-137, 164-166; GMA News, [PHL-OTP-0001-4422](#) (Transcript [PHL-OTP-0001-4533](#), Translation [PHL-OTP-0007-0928](#) at 0930, lines 2-8); ABN-CBN, [PHL-OTP-00000234](#) (Transcript [PHL-OTP-00015609](#), Translation [PHL-OTP-00015576](#) at 0002, lines 9-10).

³⁵⁴ P-0003, [PHL-OTP-00000549](#) at 0006, lines 164-176.

³⁵⁵ P-0003, [PHL-OTP-00000549](#) at 0003-0004, lines 38-72, at 0007, lines 178-186; P-0008, [PHL-OTP-00000603](#) at 0013, lines 328-397.

³⁵⁶ P-0003, [PHL-OTP-00000549](#) at 0004, lines 71-88, at 0007, 183-200; P-0008, [PHL-OTP-00000603](#) at 0013, lines 400-402.

³⁵⁷ P-0003, [PHL-OTP-00000549](#) at 0004-0009, lines 87-159, 201-218, 269-302; P-0008, [PHL-OTP-00017740](#) at 0007-0009, lines 256-259, [PHL-OTP-00000603](#) at 0013, lines 400-406, [PHL-OTP-00000611](#) at 0010-0012, lines 274-333, 352.

[REDACTED].³⁵⁸ The police report reflects the *nanlaban* scene [REDACTED] and falsely claims that the killing resulted from the victim violently resisting arrest during a buy-bust operation.³⁵⁹

- (ix) **Incident 22 - Murder of alleged drug user [REDACTED]³⁶⁰ in [REDACTED] Bulacan on or around [REDACTED] 2018:**³⁶¹ A neighbour reported [REDACTED], an alleged drug pusher,³⁶² to the police.³⁶³ During a OTBT operation, [REDACTED] shot and killed [REDACTED].³⁶⁴ [REDACTED]³⁶⁵ [REDACTED].³⁶⁶ [REDACTED].³⁶⁷
- (x) **Incident 23 - Murder of alleged drug user FNU LNU at [REDACTED] Bulacan on or around [REDACTED] 2018:**³⁶⁸ [REDACTED].³⁶⁹ A group of police officers [REDACTED].³⁷⁰ [REDACTED].³⁷¹ [REDACTED].³⁷² Then they [REDACTED] shot and killed [REDACTED].³⁷³ [REDACTED].³⁷⁴
- (xi) **Incident 24 - Murder of [REDACTED] in [REDACTED] Bulacan on [REDACTED] 2018:**³⁷⁵ [REDACTED].³⁷⁶ During a OTBT operation, a group of police brought

³⁵⁸ P-0003, [PHL-OTP-00000549](#) at 0005, line 130, at 0008-0009, lines 219-260, [PHL-OTP-00000553](#) at 0012-0013, lines 368-379, [PHL-OTP-00000533](#) at 0019, lines 591-609; P-0008, [PHL-OTP-00017740](#) at 0007-0009, lines 203-211, 256-259, [PHL-OTP-00000603](#) at 0014-0017, lines 418-573; ABN-CBN, [PHL-OTP-00000234](#) (Transcript [PHL-OTP-00015609](#), Translation [PHL-OTP-00015576](#)).

³⁵⁹ PNP, [PHL-OTP-0006-8760](#) at 8777, paras. 5-6. *See also* GMA News, [PHL-OTP-0001-4422](#) (Transcript [PHL-OTP-0001-4533](#), Translation [PHL-OTP-0007-0928](#) at 0930, lines 19-20); ABN-CBN, [PHL-OTP-00000234](#) (Transcript [PHL-OTP-00015609](#), Translation [PHL-OTP-00015576](#) at 0002, lines 2-5).

³⁶⁰ Alias: [REDACTED].

³⁶¹ Annex C, Victim number 36.

³⁶² Aykson News, [PHL-OTP-0001-4420](#) (Transcript [PHL-OTP-0001-4531](#), Translation [PHL-OTP-0007-0925](#) at 0927, lines 2-13); PhilStar, [PHL-OTP-00015260](#) at 0001.

³⁶³ P-0003, [PHL-OTP-00000541](#) at 0008, lines 240-241, [PHL-OTP-00000544](#) at 0006, line 150.

³⁶⁴ P-0003, [PHL-OTP-00000541](#) at 0007-0008, lines 199-211, [PHL-OTP-00000544](#) at 0005-0010, lines 115-189, 196-218, 260-283, [PHL-OTP-00000545](#) at 0004, lines 78-88; P-0008, [PHL-OTP-00017740](#) at 0007-0009, lines 203-209, 248-254, [PHL-OTP-00000603](#) at 0006-0009, lines 138-220, 246-290; Aykson News, [PHL-OTP-0001-4420](#) (Transcript [PHL-OTP-0001-4531](#), Translation [PHL-OTP-0007-0925](#)).

³⁶⁵ [REDACTED]: P-0003, [PHL-OTP-00000541](#) at 0008, lines 213-235.

³⁶⁶ P-0003, [PHL-OTP-00000541](#) at 0008, lines 213-235. *See also* Aykson News, [PHL-OTP-0001-4420](#) (Translation [PHL-OTP-0007-0925](#) at 0927, lines 2-13).

³⁶⁷ P-0003, [PHL-OTP-00000544](#) at 0005, lines 104-118, at 0007-0009, lines 190-195, 219-259.

³⁶⁸ Annex C, Victim number 37.

³⁶⁹ P-0003, [PHL-OTP-00000554](#) at 0008-0009, lines 235-260.

³⁷⁰ P-0003, [PHL-OTP-00000554](#) at 0009, lines 259-273.

³⁷¹ P-0003, [PHL-OTP-00000554](#) at 0009-0010, lines 275-299, at 0012-0014, lines 378-401, 429-432.

³⁷² P-0003, [PHL-OTP-00000554](#) at 0009-0010, lines 275-312, at 0014, lines 416-439.

³⁷³ P-0003, [PHL-OTP-00000554](#) at 0010-0012, lines 298-367; P-0008, [PHL-OTP-00000599](#) at 0007-0009, lines 208-247.

³⁷⁴ P-0003, [PHL-OTP-00000554](#) at 0011-00013, lines 315-321, 401-415. *See also* PhilStar, [PHL-OTP-00015262](#) (Translation [PHL-OTP-00015361](#) at 0001).

³⁷⁵ Annex C, Victim number 38.

³⁷⁶ P-0003, [PHL-OTP-00000541](#) at 0009, lines 246-250, [PHL-OTP-00000545](#) at 0010-0011, lines 299-328, [PHL-OTP-00000550](#) at 0010, lines 290-291; P-0008, [PHL-OTP-00000598](#) at 0002-0004, lines 36-96.

[REDACTED].³⁷⁷ [REDACTED].³⁷⁸ [REDACTED] shot and killed [REDACTED].³⁷⁹ [REDACTED] planted [REDACTED] to frame the victim [REDACTED].³⁸⁰ The police falsely reported to the media that the victim had fought back, requiring police to shoot.³⁸¹

(xii) **Incident 25 - Murder of alleged drug user [REDACTED]³⁸² [REDACTED] Bulacan on or around [REDACTED] 2018:**³⁸³ The police [REDACTED] smoke *shabu*.³⁸⁴ A group of officers arrived to the location where [REDACTED].³⁸⁵ At 01:00hrs, they [REDACTED].³⁸⁶ [REDACTED].³⁸⁷ [REDACTED]³⁸⁸ [REDACTED].³⁸⁹

(xiii) **Incident 26 - Murder of alleged drug user FNU LNU [REDACTED] Bulacan on or shortly after [REDACTED] 2018:**³⁹⁰ [REDACTED].³⁹¹ [REDACTED].³⁹² There, a group of police officers [REDACTED].³⁹³ [REDACTED].³⁹⁴ [REDACTED].³⁹⁵ [REDACTED] shot and killed [REDACTED].³⁹⁶ [REDACTED].³⁹⁷

³⁷⁷ P-0003, [PHL-OTP-00000545](#) at 0011-0012, lines 329-370, at 0014, line 427; P-0008, [PHL-OTP-00000598](#) at 0002, lines 17-33, at 0004-0009, lines 83-86, 97-225, 265-268, [PHL-OTP-00000606](#) at 0003, lines 54-59; GMA News, [PHL-OTP-00000228](#).

³⁷⁸ P-0003, [PHL-OTP-00000545](#) at 0012-0013, lines 368-389, 400-403, [PHL-OTP-00000552](#) at 0017, lines 526-533; P-0008, [PHL-OTP-00000598](#) at 0006-0007, lines 172-189, 209-215.

³⁷⁹ P-0003, [PHL-OTP-00000541](#) at 0009, lines 252-257, [PHL-OTP-00000545](#) at 0013-0014, lines 390-409, 418-441.

³⁸⁰ P-0003, [PHL-OTP-00000545](#) at 0013-0016, lines 411-414, 444-517; P-0008, [PHL-OTP-00000606](#) at 0006-0011, lines 143-320; GMA News, [PHL-OTP-00000228](#).

³⁸¹ PhilStar, [PHL-OTP-00015268](#) (Translation [PHL-OTP-00015362](#) at 0001-0002).

³⁸² Alias: [REDACTED].

³⁸³ Annex C, Victim number 39.

³⁸⁴ P-0003, [PHL-OTP-00000548](#) at 0003, lines 42-71, at 0005, lines 127-130, [PHL-OTP-00000549](#) at 0002, lines 13-22; P-0008, [PHL-OTP-00000591](#) at 0004-0005, lines 98-124.

³⁸⁵ P-0003, [PHL-OTP-00000548](#) at 0004, lines 75-76, at 0006-0008, lines 140-213; P-0008, [PHL-OTP-00000591](#) at 0005, line 126.

³⁸⁶ P-0003, [PHL-OTP-00000548](#) at 0004, lines 81-86, at 0008-0009, lines 235-240.

³⁸⁷ P-0003, [PHL-OTP-00000548](#) at 0002-0010, lines 28-270, [PHL-OTP-00000549](#) at 0002, lines 10-29, [PHL-OTP-0001-0489](#) (Translation [PHL-OTP-0001-0461](#) at 0470-0471); P-0008, [PHL-OTP-00000591](#) at 0003-0005, lines 51-133; P-1164, [PHL-OTP-0001-0511](#) (Translation [PHL-OTP-0001-0520](#) at 0521-0522); P-0009, [PHL-OTP-0002-0626](#) at 0741-0742.

³⁸⁸ [REDACTED]: P-0003, [PHL-OTP-00000543](#) at 0005-0006, lines 128-151.

³⁸⁹ P-0003, [PHL-OTP-00000548](#) at 0004-0005, lines 98-121, at 0009-0010, lines 249-270, [PHL-OTP-0001-0489](#) (Translation [PHL-OTP-0001-0461](#) at 0471).

³⁹⁰ Annex C, Victim number 40.

³⁹¹ P-0003, [PHL-OTP-00000554](#) at 0002, lines 26-41, at 0005, lines 114-116; P-0008, [PHL-OTP-00000590](#) at 0006, lines 164-165.

³⁹² P-0003, [PHL-OTP-00000554](#) at 0002, lines 31-50; P-0008, [PHL-OTP-00000590](#) at 0006, lines 159-165.

³⁹³ P-0003, [PHL-OTP-00000554](#) at 0003, lines 49-64, at 0008, lines 212-217; P-0008, [PHL-OTP-00000590](#) at 0006-0007, lines 167-187, [PHL-OTP-00000595](#) at 0002-0005, lines 40-143.

³⁹⁴ P-0003, [PHL-OTP-00000554](#) at 0003-0004, line 66-82; P-0008, [PHL-OTP-00000590](#) at 0007, lines 189-192, [PHL-OTP-00000595](#) at 0006, lines 144-155.

³⁹⁵ P-0003, [PHL-OTP-00000554](#) at 0004, lines 81-95, at 0007-0008, lines 206-208, 219-222.

³⁹⁶ P-0003, [PHL-OTP-00000554](#) at 0004, lines 92-95, at 0006-0007, lines 164-174, 196-205.

³⁹⁷ P-0003, [PHL-OTP-00000554](#) at 0004, lines 101-103, at 0007, lines 175-184.

- (xiv) **Incident 27 - Murder of [REDACTED] alleged thief [REDACTED]**³⁹⁸ Bulacan in [REDACTED] 2018:³⁹⁹ [REDACTED] ordered [REDACTED] to be killed because [REDACTED] was an alleged thief.⁴⁰⁰ [REDACTED].⁴⁰¹ Acting on orders from officer [REDACTED] picked up the victim [REDACTED].⁴⁰² Just before 01:00hrs, a group of police officers [REDACTED].⁴⁰³ [REDACTED].⁴⁰⁴ [REDACTED].⁴⁰⁵
- (xv) **Incident 28 - Murder of alleged [REDACTED] Bulacan on or about [REDACTED] 2018:**⁴⁰⁶ The police allege that [REDACTED].⁴⁰⁷ [REDACTED].⁴⁰⁸ A group of police officers and non-police assets staged the killing to look as though [REDACTED].⁴⁰⁹ [REDACTED].⁴¹⁰ [REDACTED] police officers shot and killed [REDACTED].⁴¹¹ [REDACTED] money, *shabu* and a gun on his body, which [REDACTED].⁴¹²
- (xvi) **Incident 29 - Murder of two alleged drug users, both FNU LNU, in [REDACTED] Bulacan on [REDACTED] 2018:**⁴¹³ After the two [REDACTED] had been implicated in drug use,⁴¹⁴ a group of police officers and assets kidnapped them [REDACTED].⁴¹⁵ [REDACTED].⁴¹⁶ [REDACTED] shot and killed one [REDACTED].⁴¹⁷

³⁹⁸ [REDACTED].

³⁹⁹ Annex C, Victim number 41.

⁴⁰⁰ P-0003, [PHL-OTP-00000546](#) at 0011-0012, lines 304-322, 334-359; P-0008, [PHL-OTP-00000590](#) at 0009-0010, lines 275-300, [PHL-OTP-00000591](#) at 0002-0003, lines 29-48, [PHL-OTP-00000596](#) at 0011, lines 322-324.

⁴⁰¹ P-0003, [PHL-OTP-00000527](#) at 0018, 557-561, [PHL-OTP-00000546](#) at 0018, lines 541-544; P-0008, [PHL-OTP-00000590](#) at 0009-0010, lines 275-300.

⁴⁰² P-0003, [PHL-OTP-00000546](#) at 0012-0013, lines 356-379; P-0008, [PHL-OTP-00000591](#) at 0002-0003, lines 33-45.

⁴⁰³ P-0003, [PHL-OTP-00000546](#) at 0013-0014, lines 378-434, at 0016-0017, lines 504-510.

⁴⁰⁴ P-0003, [PHL-OTP-00000541](#) at 0006, lines 146-170, [PHL-OTP-00000546](#) at 0011-0019, lines 318-337, 353-577.

⁴⁰⁵ P-0003, [PHL-OTP-00000541](#) at 0006, lines 152-168, [PHL-OTP-0001-0489](#) (Translation [PHL-OTP-0001-0461](#) at 0470-0471); P-0008, [PHL-OTP-00000591](#) at 0003, lines 47-48.

⁴⁰⁶ Annex C, Victim number 42.

⁴⁰⁷ GMA News, [PHL-OTP-0001-4426](#) (Transcript [PHL-OTP-0001-4537](#), Translation [PHL-OTP-0007-0934](#) at 0936, lines 2-6).

⁴⁰⁸ P-0008, [PHL-OTP-00000590](#) at 0005, lines 116-130, [PHL-OTP-00017740](#) at 0009-0010, lines 272-283, [PHL-OTP-00000604](#) at 0007, 183-194.

⁴⁰⁹ P-0003, [PHL-OTP-00000544](#) at 0011-0013, lines 336-385, at 0016-0017, lines 502-516, 528-536; P-0008, [PHL-OTP-00000590](#) at 0005-0006, lines 136-151, [PHL-OTP-00000604](#) at 0008, lines 239-246, [PHL-OTP-00000604](#) at 0009, lines 253-263. *See also* GMA News, [PHL-OTP-0001-4426](#) (Transcript [PHL-OTP-0001-4537](#), Translation [PHL-OTP-0007-0934](#)).

⁴¹⁰ P-0003, [PHL-OTP-00000544](#) at 0014, lines 445-446.

⁴¹¹ P-0003, [PHL-OTP-00000544](#) at 0012-0014, lines 372-377, 386-446.

⁴¹² P-0003, [PHL-OTP-00000544](#) at 0015, lines 459-470.

⁴¹³ Annex C, Victim numbers 43-44.

⁴¹⁴ P-0003, [PHL-OTP-00000551](#) at 0010, lines 283-289.

⁴¹⁵ P-0003, [PHL-OTP-00000551](#) at 0010-0014, lines 283-421, at 0017-0018, lines 526-539, 562-581, [PHL-OTP-00000552](#) at 0019-0021, lines 586-666; P-0008, [PHL-OTP-00000590](#) at 0005-0006, lines 105-146; P-0009, [PHL-OTP-0002-0626](#) at 0648-0649, paras. 118-119.

⁴¹⁶ P-0003, [PHL-OTP-00000551](#) at 0014, lines 429-431, at 0018-0019, lines 583-607.

⁴¹⁷ P-0003, [PHL-OTP-00000551](#) at 0014-0015, lines 434-447, at 0019-0020, lines 608-621

[REDACTED].⁴¹⁸ [REDACTED] planted drugs, money, a gun on the body of one victim, [REDACTED] on the body of the second victim [REDACTED].⁴¹⁹

(xvii) Incident 30 - Murder of alleged drug pusher [REDACTED]⁴²⁰ at [REDACTED] Bulacan on or around [REDACTED] 2018:⁴²¹ [REDACTED] to the police for selling *shabu*.⁴²² [REDACTED],⁴²³ [REDACTED] shot and killed [REDACTED].⁴²⁴ [REDACTED].⁴²⁵

(xviii) Incident 31 - Murder of alleged thief FNU LNU⁴²⁶ [REDACTED] Bulacan in 2018:⁴²⁷ [REDACTED].⁴²⁸ [REDACTED].⁴²⁹ A group of police officers arrived at 00.30hrs.⁴³⁰ [REDACTED].⁴³¹ [REDACTED].⁴³² They drove to [REDACTED].⁴³³

73. That the perpetrators of Incidents 1-5, 7-10 and 11-31 (Counts 1, 4 and 5) meant to cause the victims' deaths or were aware their deaths would occur in the ordinary course of events is evidenced by: the planning, instructions and decisions expressly to kill; efforts to cover up the killings; the manner in which the incidents were perpetrated (with many victims shot in the head at close range or stabbed while in the control of the perpetrators); [REDACTED]; P-0003's statements for Incidents 15-16, 18-19 and 21-31 [REDACTED]; and the statements of perpetrators P-1155 and P-1077 for Incidents 12 and 14 that [REDACTED].⁴³⁴

2. *The crimes against humanity of torture and rape under articles 7(1)(f) and 7(1)(g)*

a. *Count 2: Torture in Davao City during the Mayoral period by the DDS*

74. The victims of Incident 1 ([REDACTED] each FNU, LNU) and Incident 6

⁴¹⁸ P-0003, [PHL-OTP-00000551](#) at 0015, lines 449-460, at 0020-0021, lines 622-668; P-0008, [PHL-OTP-00000599](#) at 0010, lines 289-311; P-0009, [PHL-OTP-0002-0626](#) at 0648-0649, paras. 118-120.

⁴¹⁹ P-0003, [PHL-OTP-00000551](#) at 0013, lines 440-442, at 0017-0018, lines 541-561, at 0021-0022, lines 669-703.

⁴²⁰ Alias: [REDACTED].

⁴²¹ Annex C, Victim number 45.

⁴²² P-0003, [PHL-OTP-00000553](#) at 0009, lines 241-265. *See also* PhilStar, [PHL-OTP-00017643](#) at 0001; Philippine News Agency, [PHL-OTP-00017645](#) at 0001.

⁴²³ P-0003, [PHL-OTP-00000553](#) at 0009-0013, lines 265-302, 339-343, 393-397.

⁴²⁴ P-0003, [PHL-OTP-00000553](#) at 0010-0012, lines 304-320, 345-352.

⁴²⁵ P-0003, [PHL-OTP-00000553](#) at 0011-0013, lines 322-323, 355-382.

⁴²⁶ Alias: [REDACTED].

⁴²⁷ Annex C, Victim number 46.

⁴²⁸ P-0003, [PHL-OTP-00000547](#) at 0013, lines 385-396, at 0016-0017, lines 489-506, [PHL-OTP-0001-0489](#) (Translation [PHL-OTP-0001-0461](#) at 0470-0471, 0477); P-0008, [PHL-OTP-00000590](#) at 0008, lines 234-254.

⁴²⁹ P-0003, [PHL-OTP-00000547](#) at 0013-0014, lines 400-428, at 0017-0018, lines 507-547,

⁴³⁰ P-0003, [PHL-OTP-00000547](#) at 0014, lines 427-438, at 0018, lines 549-569.

⁴³¹ P-0003, [PHL-OTP-00000547](#) at 0015, lines 440-457, at 0018, lines 572-575, 593-601.

⁴³² P-0003, [PHL-OTP-00000547](#) at 0015, lines 460-468, at 0019, lines 577-591.

⁴³³ P-0003, [PHL-OTP-00000547](#) at 0015-0016, lines 468-479, at 0019-0020, lines 602-640, [PHL-OTP-0001-0489](#) (Translation [PHL-OTP-0001-0461](#) at 0470-0471, 477); P-0008, [PHL-OTP-00000590](#) at 0009, lines 263-268.

⁴³⁴ ICC Elements of Crimes, article 7(1)(a)(1).

([REDACTED]) were subjected to severe physical and mental suffering amounting to torture⁴³⁵ [REDACTED].⁴³⁶ [REDACTED].⁴³⁷ [REDACTED].⁴³⁸

(i) **Incident 6 - Torture [REDACTED] 2014 [REDACTED]:**⁴³⁹ [REDACTED].⁴⁴⁰ [REDACTED].⁴⁴¹ [REDACTED].⁴⁴² [REDACTED].⁴⁴³ [REDACTED].⁴⁴⁴ [REDACTED].⁴⁴⁵ [REDACTED].⁴⁴⁶ [REDACTED].⁴⁴⁷ [REDACTED].⁴⁴⁸

75. As regards Incident 1, the severe suffering which the [REDACTED] victims is evidenced by the very nature of these acts, as well the victims' [REDACTED].⁴⁴⁹ For Incident 6, the beatings and [REDACTED].⁴⁵⁰ Incidents 1 and 6 were part of the attack because: they were perpetrated using DDS personnel; the victims were targeted on the basis that they were alleged criminals; and they were perpetrated pursuant to **DUTERTE**'s instructions via the DDS hierarchy.⁴⁵¹ The perpetrators of Incidents 1 and 6 intended and knew the conduct would cause severe pain and suffering given: the nature of the conduct; [REDACTED]. They also knew and intended their conduct to be part of the attack because: it occurred in the context of [REDACTED]; and they knew that they would receive reward money once the victims [REDACTED].⁴⁵²

b. Count 3: Rape in Davao City during the Mayoral period by the DDS

(i) **Incident 1 - Rape of [REDACTED] all FNU LNU, in [REDACTED] Davao City in or around 2013:**⁴⁵³ **DUTERTE** instructed police DDS members that there was a job

⁴³⁵ ICC Elements of Crimes, article 7(1)(f)(1).

⁴³⁶ ICC Elements of Crimes, article 7(1)(f)(2).

⁴³⁷ ICC Elements of Crimes, article 7(1)(f)(3).

⁴³⁸ See below Count 3: Rape in Davao City during the Mayoral period by the DDS.

⁴³⁹ Annex C, Victim number 16.

⁴⁴⁰ [REDACTED], [PHL-OTP-00015459](#) at 0005, lines 124-134; [PHL-OTP-00015461](#) at 0006-0007, lines 145-166; [REDACTED], [PHL-OTP-00000147](#) at 0067-0072, in particular 0068.

⁴⁴¹ [REDACTED], [PHL-OTP-00015461](#) at 0010, lines 257-298, [PHL-OTP-00015462](#) at 0003, lines 51-53.

⁴⁴² [REDACTED], [PHL-OTP-00015461](#) at 0010-0011, lines 305, 310-312, [PHL-OTP-00015462](#) at 0007-0008, lines 197, 212-214.

⁴⁴³ [REDACTED], [PHL-OTP-00015494](#) at 0002-0003.

⁴⁴⁴ [REDACTED], [PHL-OTP-00015461](#) at 0010, lines 275-300; [PHL-OTP-00015462](#) at 0008, lines 215-217; [PHL-OTP-00015463](#) at 0002, lines 2-34.

⁴⁴⁵ [REDACTED] [PHL-OTP-00015462](#) at 0002, line 20, [PHL-OTP-00015463](#) at 0001, lines 33-34, [PHL-OTP-00015465](#) at 0003, lines 52-55

⁴⁴⁶ [REDACTED], [PHL-OTP-00015462](#) at 0004-0006, lines 96, 111-150, [PHL-OTP-00015464](#) at 0008-0009, lines 218-270.

⁴⁴⁷ [REDACTED], [PHL-OTP-00015462](#) at 0002, lines 22-29, at 0007-0008, lines 199-208.

⁴⁴⁸ [REDACTED], [PHL-OTP-00015459](#) at 0007-0009, lines 206-259.

⁴⁴⁹ See below Count 3: Rape in Davao City during the Mayoral period by the DDS.

⁴⁵⁰ [REDACTED], [PHL-OTP-00015463](#) at 0004-0005 lines 76-134; [REDACTED], [PHL-OTP-00015465](#) at 0002, lines 4-30.

⁴⁵¹ ICC Elements of Crimes, article 7(1)(f)(4).

⁴⁵² ICC Elements of Crimes, article 7(1)(f)(5).

⁴⁵³ Annex C, Victim numbers 1-3.

to be done against [REDACTED].⁴⁵⁴ [REDACTED].⁴⁵⁵ [REDACTED].⁴⁵⁶
 [REDACTED].⁴⁵⁷ [REDACTED] Davao City [REDACTED].⁴⁵⁸ [REDACTED].⁴⁵⁹
 [REDACTED].⁴⁶⁰ [REDACTED].⁴⁶¹ [REDACTED].⁴⁶² [REDACTED].⁴⁶³

76. The conduct in Incident 1 was part of the attack because: it was perpetrated using DDS personnel; the victims were targeted on the basis that they were alleged criminals; and it was perpetrated pursuant to **DUTERTE**'s instructions via the DDS hierarchy.⁴⁶⁴ The perpetrators knew and intended their conduct to be part of the attack because: [REDACTED].⁴⁶⁵ They also meant to sexually penetrate the victims by force, threat of force or coercion, as evidenced by [REDACTED].

E. DUTERTE IS CRIMINALLY RESPONSIBLE FOR THE ALLEGED CRIMES AS AN INDIRECT CO-PERPETRATOR UNDER ARTICLE 25(2)(A)

77. There are reasonable grounds to believe that **DUTERTE** is responsible for the crimes alleged in Counts 1-5 as an indirect co-perpetrator (article 25(3)(a)). **DUTERTE** committed these crimes jointly with others, including through other persons, pursuant to a common plan.

1. DUTERTE and the co-perpetrators agreed to the Common Plan

78. As detailed above, pursuant to the Common Plan, **DUTERTE** and law enforcement officials in Davao City instructed police DDS members that regular law enforcement procedures were incapable of eliminating crime and so it was necessary to kill the criminals of Davao City.⁴⁶⁶ The co-perpetrators⁴⁶⁷ agreed to use the DDS to commit murder, as well as other crimes which would facilitate the plan—for example, torture and rape to force targets to ‘confess’ to their alleged criminality. They also agreed to murder non-police assets who they perceived to be a risk of revealing the scope of the perpetrators’ criminal activities.⁴⁶⁸

⁴⁵⁴ [REDACTED], [PHL-OTP-00015433](#) at 0003-0004, lines 64-72.

⁴⁵⁵ [REDACTED], [PHL-OTP-00015433](#) at 0004, lines 75-88.

⁴⁵⁶ [REDACTED], [PHL-OTP-00015433](#) at 0004, line 92, at 0007, lines 200-203. *See also* [REDACTED], [PHL-OTP-00015535](#) at 0002, lines 20-24.

⁴⁵⁷ [REDACTED], [PHL-OTP-00015433](#) at 0004-0005, lines 98-104.

⁴⁵⁸ [REDACTED], [PHL-OTP-00015433](#) at 0005, lines 107-130.

⁴⁵⁹ [REDACTED], [PHL-OTP-00015434](#) at 0002-0004, lines 3-94, [PHL-OTP-00015436](#) at 0007, lines 178-196.

⁴⁶⁰ [REDACTED], [PHL-OTP-00015433](#) at 0005-0006, lines 132-134, 145-147.

⁴⁶¹ ICC Elements of Crimes, article 7(1)(g)-1(1).

⁴⁶² [REDACTED], [PHL-OTP-00015405](#) at 0009-0010, lines 238-268, [PHL-OTP-00015433](#) at 0003-0009, lines 64-279, [PHL-OTP-00015434](#) at 0002-0005, lines 3-138, [PHL-OTP-00015435](#) at 0002-0004, lines 2-86, [PHL-OTP-00015436](#) at 0002-0007, lines 33-196. *See also* [REDACTED], [PHL-OTP-00015535](#) at 0002, lines 14-25.

⁴⁶³ [REDACTED], [PHL-OTP-00015533](#) at 0007, lines 206-220.

⁴⁶⁴ ICC Elements of Crimes, article 7(1)(f)(4).

⁴⁶⁵ ICC Elements of Crimes, article 7(1)(f)(5).

⁴⁶⁶ *See above* para. 23.

⁴⁶⁷ *See above* para. 24.

⁴⁶⁸ *See below* para. 103.

79. After the May 2016 presidential election, [REDACTED].⁴⁶⁹ In the lead up to the inauguration, [REDACTED], met regularly [REDACTED] to prepare the immediate roll-out the Common Plan at a national level once **DUTERTE** became President.⁴⁷⁰ The Plan remained the same throughout the charged period—to target alleged criminals through the commission of crimes, principally murder, but also other crimes which would facilitate this plan (such as the rape and torture of targets to force them to ‘confess’ to their alleged criminality)—now to be implemented across the Philippines. The existence of the Common Plan is established by the following factors:

80. *First*, [REDACTED] the Common Plan originated in Davao City in the late 1980s, where Mayor **DUTERTE** and his police co-perpetrators organised Davao City police officers and non-police hitmen into DDS liquidation squads.⁴⁷¹ He personally instructed police and DDS to ‘neutralise’ criminals, including drug dealers, and provided them with the funds, weapons and other resources to do so.⁴⁷²

81. *Second*, while Mayor, **DUTERTE** made public statements outlining the Common Plan. He gave televised interviews in which he promised to protect and support Davao City police involved in killings and announced that shoot-to-kill orders were “legitimate tools of the government” to fight lawlessness.⁴⁷³ During a 2015 television interview, **DUTERTE** claimed to have a “list” from PDEA of individuals suspected of involvement in drug activities, which he described as an “Order of Battle”, and warned that drug dealers had 48 hours to “get out” of Davao City or “I will tell the police to shoot you”: “if I see you, I will kill you [...] I know where your house is. I had you tagged already”.⁴⁷⁴ He also repeatedly bragged in public *fora* that he maintained law and order in Davao City by killing criminals.⁴⁷⁵

82. *Third*, during his presidential campaign, **DUTERTE** announced his intention to implement the Common Plan nationwide if elected, promising to eradicate criminality within

⁴⁶⁹ As demonstrated by the preparations they made to do so: *see above* VI. B. 4. The co-perpetrators prepare to extend the Common Plan nationwide.

⁴⁷⁰ [REDACTED], [PHL-OTP-00015389](#) at 0002, lines 18-31.

⁴⁷¹ *See above* para. 23.

⁴⁷² *See above* paras. 23, 26-27, 29.

⁴⁷³ Video of **DUTERTE**’s interview, uploaded 15 July 2013, [PHL-OTP-00000285](#) (Transcript [PHL-OTP-00000840](#), Translation [PHL-OTP-00000848](#) at 0002, lines 12-13); Video of **DUTERTE**’s Speech, uploaded 15 July 2013, [PHL-OTP-00000354](#) (Transcript [PHL-OTP-00001679](#), Translation [PHL-OTP-00001682](#) at 0002, lines 4-5).

⁴⁷⁴ Video of **DUTERTE**’s Speech, uploaded 26 October 2015, [PHL-OTP-00000306](#) (Transcript [PHL-OTP-00000847](#), Translation [PHL-OTP-00000855](#) at 0002, lines 2-13); SunStar, [PHL-OTP-00000368](#) (Translation [PHL-OTP-00000409](#) at 0001).

⁴⁷⁵ Video of **DUTERTE**’s interview, uploaded 15 July 2013, [PHL-OTP-00000285](#) (Transcript [PHL-OTP-00000840](#), Translation [PHL-OTP-00000848](#) at 0002, lines 12-13); Video of **DUTERTE**’s Speech, 11 March 2016, [PHL-OTP-00000277](#) (Transcript [PHL-OTP-00001121](#), Translation [PHL-OTP-00001123](#) at 0006-0007, lines 215-222).

six months by killing criminal suspects.⁴⁷⁶ **DUTERTE** and his co-perpetrators prepared and coordinated so as to be immediately ready for this eventuality,⁴⁷⁷ such that on the very same day **DUTERTE** appointed co-perpetrator [REDACTED].⁴⁷⁸ In advance of his inauguration, [REDACTED] told reporters: [REDACTED].⁴⁷⁹

83. *Fourth*, throughout his presidency, **DUTERTE** and other high-level officials in his administration repeatedly confirmed the existence and scope of the Common Plan through their public statements which both expressly outlined the plan, and endorsed or supported the killings.⁴⁸⁰ For example, in a speech to self-confessed drug addicts in Bacolod City, DELA ROSA told them to kill drug lords and burn their houses for having made them addicted to *shabu*.⁴⁸¹ In reaction to the accusation that killings perpetrated in anti-drug operations may amount to crimes against humanity, then-Justice Secretary Vitaliano AGUIRRE II told reporters that, “the criminals [...] the drug lords, drug pushers [...] they are not humanity”.⁴⁸²

84. *Fifth*, the co-perpetrators repeatedly and publicly justified violence against suspected criminals. **DUTERTE** asserted that drug dealers were “destroying [...] our children”, linked drug personalities to violent crime (often rape), and said that *shabu* shrinks the brain such that users cannot be rehabilitated.⁴⁸³ He frequently inflated the number of drug addicts in the Philippines⁴⁸⁴ and referred to drug users and dealers as “animals” in apparent attempts to

⁴⁷⁶ See above para. 33.

⁴⁷⁷ [REDACTED], [PHL-OTP-00015389](#) at 0002, lines 18-31.

⁴⁷⁸ See above VI. B. 4. The co-perpetrators prepare to extend the Common Plan nationwide.

⁴⁷⁹ [REDACTED], [PHL-OTP-00015282](#) (Transcript [PHL-OTP-00015610](#), Translation [PHL-OTP-00015577](#) at 0002).

⁴⁸⁰ See e.g. The Philippine Star, [PHL-OTP-0003-1377](#) at 1377-1378; Inquirer, [PHL-OTP-0003-1320](#) (Translation [PHL-OTP-00015622](#) at 0001-0002); Video of AGUIRRE’s Speech, 1 February 2017, [PHL-OTP-00001460](#) (Transcript [PHL-OTP-00014861](#), Translation [PHL-OTP-00014867](#) at 0002); Video of DELA ROSA’s Interview, 3 June 2016, [PHL-OTP-00015285](#) (Transcript [PHL-OTP-00016133](#), Translation [PHL-OTP-00016403](#) at 0006-0008).

⁴⁸¹ Video of DELA ROSA’s Interview, 26 August 2016, [PHL-OTP-00000288](#) (Transcript [PHL-OTP-00000841](#), Translation [PHL-OTP-00000849](#) at 0002); PhilStar, [PHL-OTP-0003-1334](#) at 1334.

⁴⁸² Video of AGUIRRE’s Speech, 1 February 2017, [PHL-OTP-00001460](#) (Transcript [PHL-OTP-00014861](#), Translation [PHL-OTP-00014867](#) at 0002).

⁴⁸³ See e.g. PCOO, **DUTERTE**’s Speech, 30 June 2016, [PHL-OTP-00000339](#) (Translation [PHL-OTP-00000518](#) at 0003); PCOO, **DUTERTE**’s Speech, 30 June 2016, [PHL-OTP-0003-3291](#) at 3292; PCOO, **DUTERTE**’s Speech, 14 November 2016, [PHL-OTP-0003-3283](#) (Translation [PHL-OTP-00001127](#) at 0004); PCOO, **DUTERTE**’s Speech, 16 August 2017, [PHL-OTP-0003-3213](#) (Translation [PHL-OTP-00015491](#) at 0003, 0008); PCOO, **DUTERTE**’s Speech, 15 April 2017, [PHL-OTP-0003-3199](#) (Translation [PHL-OTP-00015490](#) at 0008); PCOO, **DUTERTE**’s Speech, 20 September 2016, [PHL-OTP-00000267](#) (Translation [PHL-OTP-00000336](#) at 0006); PCOO, **DUTERTE**’s Speech, 24 July 2017, [PHL-OTP-0001-3870](#) (Translation [PHL-OTP-0001-4350](#) at 4357).

⁴⁸⁴ For example, the Dangerous Drugs Board’s survey found there were 1.8 million drug *users* in the Philippines, while **DUTERTE** variously asserted that there were 3 or 4 million drug *addicts*: see PCOO, **DUTERTE**’s Speech, 14 November 2016, [PHL-OTP-0003-3283](#) (Translation [PHL-OTP-00001127](#) at 0003); PCOO, **DUTERTE**’s Speech, 15 April 2017, [PHL-OTP-0003-3199](#) (Translation [PHL-OTP-00015490](#) at 0008); PNP, CMC No. 16 – 2016, 1 July 2016, [PHL-OTP-0005-0259](#) at 0260; PCOO, **DUTERTE**’s Speech, 25 July 2016, [PHL-OTP-00000264](#) (Translation [PHL-OTP-00000335](#) at 0018); PCOO, **DUTERTE**’s Speech, 20 September 2016, [PHL-OTP-00000267](#) (Translation [PHL-OTP-00000336](#) at 0006).

dehumanise them.⁴⁸⁵ The co-perpetrators employed words and imagery encouraging aggression and violence against alleged criminals, conveying a message to law enforcement personnel and the public that alleged criminals would be—and deserved to be—killed.⁴⁸⁶

85. *Sixth*, some co-perpetrators were personally involved in the physical perpetration or cover-up of some of the crimes. For example, [REDACTED].

86. *Seventh*, that the Common Plan encompassed torture and rape is demonstrated by insider statements that **DUTERTE** expressly instructed DDS perpetrators in the 1990s to conduct “rape interrogation” to force confessions,⁴⁸⁷ as well as the participation of some co-perpetrators in torturing or authorising the torture of alleged criminals to try to force a confession.⁴⁸⁸ [REDACTED].⁴⁸⁹

87. *Finally*, the existence of the Common Plan is further demonstrated by the fact that the crimes followed the same patterns and *modus operandi*,⁴⁹⁰ showing deliberate, planned and coordinated action. That this action was criminal is reinforced by the fact that perpetrators routinely took steps to mask the extra-judicial nature of the killings.⁴⁹¹

2. DUTERTE and his co-perpetrators controlled a structure of power and the will of the individuals who perpetrated the crimes

88. During the Mayoral period, the co-perpetrators controlled a structure of power—the local police and related DDS hierarchy—that enabled them to control the will of the physical perpetrators. As Mayor of Davao City,⁴⁹² **DUTERTE** had *de jure* “operational supervision and control” over the PNP units in his jurisdiction, as well as control of non-police City Hall workers and *barangay* officials.⁴⁹³ Insider witnesses confirmed that **DUTERTE** also had *de facto* control over the police in Davao City. Police in Davao City were organised hierarchically with Mayor **DUTERTE** at the top of the hierarchy.⁴⁹⁴

⁴⁸⁵ PCOO, **DUTERTE**’s Speech, 24 July 2017, [PHL-OTP-0001-3870](#) (Translation [PHL-OTP-0001-4350](#) at 4352); PCOO, **DUTERTE**’s Speech, 15 April 2017, [PHL-OTP-0003-3199](#) (Translation [PHL-OTP-00015490](#) at 0012).

⁴⁸⁶ PCOO, **DUTERTE**’s Speech, 24 July 2017, [PHL-OTP-0001-3870](#) (Translation [PHL-OTP-0001-4350](#) at 4352); PCOO, **DUTERTE**’s Speech, 15 April 2017, [PHL-OTP-0003-3199](#) (Translation [PHL-OTP-00015490](#) at 0012).

⁴⁸⁷ [REDACTED], [PHL-OTP-00015508](#) at 0014, lines 505-515.

⁴⁸⁸ [REDACTED], [PHL-OTP-00015508](#) at 0003, lines 50-54. In 2014, [REDACTED], [PHL-OTP-00015509](#) at 0004, lines 128-139. *See also* Incident 6.

⁴⁸⁹ [REDACTED], [PHL-OTP-00015508](#) at 0014, lines 514-515.

⁴⁹⁰ *See above* para. 42.

⁴⁹¹ *See above* para. 42.

⁴⁹² *See above* para. 22.

⁴⁹³ Congress of the Philippines, Republic Act No. 7160, 10 October 1991, [PHL-OTP-00000259](#) at 0170, Section 444(b)(2)(i).

⁴⁹⁴ [REDACTED], [PHL-OTP-0001-3619](#) at 3806.

89. **DUTERTE** sat at the apex of the DDS.⁴⁹⁵ At the bottom were the DDS members who physically carried out the operations, who were subordinated to police or *barangay* handlers.⁴⁹⁶ The handlers reported to a combination of [REDACTED], who in turn reported to **DUTERTE**.⁴⁹⁷ **DUTERTE**'s authorisation was required for DDS members to conduct killings in Davao City,⁴⁹⁸ which was conveyed to DDS handlers via a combination of [REDACTED], who then relayed these instructions to the members of their group.⁴⁹⁹

90. The [REDACTED].⁵⁰⁰ [REDACTED].⁵⁰¹ [REDACTED].⁵⁰²

91. DDS physical perpetrators [REDACTED] were fungible within the apparatus. Those who did not follow orders risked "getting killed ourselves, pursued and killed"⁵⁰³ and were disposed of when perceived as opposing or posing a threat to the Common Plan, however insignificant. [REDACTED].⁵⁰⁴ [REDACTED].⁵⁰⁵ [REDACTED].⁵⁰⁶ [REDACTED].⁵⁰⁷ [REDACTED]⁵⁰⁸ [REDACTED].⁵⁰⁹

92. During the Presidential period, the co-perpetrators exercised a similar degree of control over the National Network that enabled them to control the will of the physical perpetrators. **DUTERTE** had *de jure* and *de facto* control over the PNP, PDEA and all other agencies implementing the Common Plan nationwide.⁵¹⁰ Immediately after his inauguration, **DUTERTE** appointed [REDACTED],⁵¹¹ [REDACTED].⁵¹² **DUTERTE** appointed

⁴⁹⁵ See above paras. 22, 25, 27, 29.

⁴⁹⁶ [REDACTED], [PHL-OTP-0001-3619](#) at 3806. See also [REDACTED], [PHL-OTP-0001-2605](#) at 2614, lines 291-294, at 2622, lines 545-560, [PHL-OTP-0001-2639](#) at 2660-2661, lines 709-750; [REDACTED], [PHL-OTP-00015507](#) at 0006, lines 161-163; [REDACTED], [PHL-OTP-0006-9247](#) at 9249, 9260.

⁴⁹⁷ [REDACTED], [PHL-OTP-0001-2691](#) at 2712-2713, lines 687-738; [REDACTED], [PHL-OTP-00015507](#) at 0008, lines 265-267, [PHL-OTP-00015508](#) at 0008, lines 255-271, [PHL-OTP-00015515](#) at 0017-0018, lines 581-606, [PHL-OTP-0002-0039](#) at 0045-0046, [PHL-OTP-0002-0192](#) at 0232, [PHL-OTP-0001-3619](#) at 3637.

⁴⁹⁸ [REDACTED], [PHL-OTP-0001-2605](#) at 2630-2632, lines 822-902; [REDACTED], [PHL-OTP-00015507](#) at 0007, lines 217-220; [REDACTED], [PHL-OTP-0006-9247](#) at 9252, [PHL-OTP-00000147](#) at 0033-0035.

⁴⁹⁹ [REDACTED], [PHL-OTP-0001-2691](#) at 2711-2713, lines 656-738, [PHL-OTP-00001714](#) at 0002, lines 2-20, [PHL-OTP-00001716](#) at 0011-0013, lines 328-382, [PHL-OTP-00001724](#) at 0003-0004, lines 48-96; [REDACTED], [PHL-OTP-00015507](#) at 0008, lines 265-267, [PHL-OTP-00015508](#) at 0008, lines 257-271.

⁵⁰⁰ [REDACTED], [PHL-OTP-00015401](#) at 0002-0003, lines 25-55.

⁵⁰¹ [REDACTED], [PHL-OTP-0001-2549](#) at 2558-2560, lines 291-374, [PHL-OTP-0001-2576](#) at 2590, lines 449-459.

⁵⁰² [REDACTED], [PHL-OTP-00015506](#) at 0015-0018, lines 506-615.

⁵⁰³ [REDACTED], [PHL-OTP-0001-2605](#) at 2630-2631, lines 847-863.

⁵⁰⁴ [REDACTED], [PHL-OTP-00015445](#) at 0004, lines 86-88.

⁵⁰⁵ [REDACTED], [PHL-OTP-00015461](#) at 0004-0011, lines 90-318, [PHL-OTP-00015462](#) at 0002-0011, lines 2-323, [PHL-OTP-00015463](#) at 0002-0008, lines 2-230, [PHL-OTP-00015464](#) at 0006-0007, lines 161-190.

⁵⁰⁶ [REDACTED], [PHL-OTP-00015509](#) at 0012, lines 437-440.

⁵⁰⁷ [REDACTED], [PHL-OTP-00015403](#) at 0008-0009, lines 240-245.

⁵⁰⁸ [REDACTED], [PHL-OTP-00015510](#) at 0002, lines 24-27.

⁵⁰⁹ [REDACTED], [PHL-OTP-00015392](#) at 0021, lines 701-707.

⁵¹⁰ See above para. 92.

⁵¹¹ Rappler, [PHL-OTP-0003-1438](#) at 1442.

⁵¹² See above para. 38.

[REDACTED]⁵¹³ [REDACTED].⁵¹⁴ [REDACTED].⁵¹⁵ [REDACTED].⁵¹⁶ Such appointments⁵¹⁷ allowed **DUTERTE** to ensure that the Common Plan could be implemented at the national level.

93. In their new geographically expanded roles, the co-perpetrators ensured their power and control over the physical perpetrators via a range of mechanisms, in addition to their formal powers. First, they appointed subordinates who were already notorious for their involvement in killings in the Davao region to other parts of the country.⁵¹⁸ Second, as in the Mayoral period, the co-perpetrators made use of circumstances in which they could hold something over their subordinates to control their will and ensure compliance. For example, [REDACTED] described how police officers who were placed on drug lists would become “very aggressive” in operations because they wanted “to prove themselves that they are not involved in drugs” (*sic*).⁵¹⁹ [REDACTED].⁵²⁰ [REDACTED].⁵²¹

94. The fungibility of low-level perpetrators in the National Network is demonstrated by the fact that some such individuals were expended. For example, [REDACTED] was killed when “police didn’t have any more confidence in him”.⁵²² The handful of prosecutions for high-profile, publicly criticised killings were all directed at low-level perpetrators, further reflecting their fungibility, while higher level members of the Network were protected from accountability.⁵²³

3. DUTERTE made essential contributions to the crimes within the framework of the Common Plan

95. **DUTERTE** made a range of essential contributions to the crimes within the framework of the Common Plan, both as Mayor and President, including:

- (i) Designing and disseminating the policy to attack alleged criminals, as well as acting

⁵¹³ [REDACTED], [PHL-OTP-00015529](#) at 0005, lines 143-149.

⁵¹⁴ PCOO, **DUTERTE**’s Speech, 14 November 2016, [PHL-OTP-0003-3283](#) (Translation [PHL-OTP-00001127](#) at 0002).

⁵¹⁵ [REDACTED], [PHL-OTP-00015515](#) at 0011-0012, lines 359-386, [PHL-OTP-00015529](#) at 0004-0006, lines 95-175; [REDACTED], [PHL-OTP-00015427](#) at 0010-0012, lines 263-354.

⁵¹⁶ [REDACTED], [PHL-OTP-00017580](#). *See also* AI, [PHL-OTP-0003-0582](#) at 0631.

⁵¹⁷ *See above* para. 38.

⁵¹⁸ *See e.g.* [REDACTED], [PHL-OTP-00015514](#) at 0009, lines 315-320.

⁵¹⁹ [REDACTED], [PHL-OTP-00015392](#) at 0018-0019, lines 590-599.

⁵²⁰ [REDACTED], [PHL-OTP-00015391](#) at 0005-0006.

⁵²¹ [REDACTED], [PHL-OTP-00000552](#) at 0022-0024, lines 697-782, [PHL-OTP-00000540](#) at 0008-0011, lines 204-323.

⁵²² P-0003, [PHL-OTP-00000541](#) at 0009, lines 246-250, [PHL-OTP-00000545](#) at 0010-0017, lines 299-328, [PHL-OTP-00000550](#) at 0010, lines 290-291. *See* Incident 24.

⁵²³ [Article 18 Decision](#), para. 68 (finding that “the domestic proceedings in the Philippines [...] only address the physical, low-ranking perpetrators and at present do not extend to any high-ranking officials”).

as its public face;⁵²⁴

- (ii) Establishing and overseeing the DDS;
- (iii) Supporting the launch of CMC No. 16-2016 and reinforcing the underlying message that its implementation entailed the commission of crimes, which were sanctioned by the State;
- (iv) Facilitating the crimes through the provision of personnel and other necessary logistical resources such as weapons;⁵²⁵
- (v) Appointing key personnel (including his co-perpetrators) to positions which were crucial to the execution of the Common Plan;⁵²⁶
- (vi) Creating a system in which perpetrators knew they would be protected;⁵²⁷
- (vii) Making public statements authorising, condoning and promoting killings;⁵²⁸
- (viii) Publicly offering financial and other rewards for the killings, which were in fact paid to certain police and non-police perpetrators;⁵²⁹ and
- (ix) Authorising State actors in and out of the anti-drugs campaign.⁵³⁰

96. Without these contributions, the crimes would not have been committed, or would have been committed in a significantly different way.⁵³¹ This is reflected, for example, in [REDACTED] statement that, “without the instruction [of **DUTERTE**] there would be no

⁵²⁴ Mayoral period, *see e.g.* [REDACTED], [PHL-OTP-00015501](#) at 0002, lines 3-38; [REDACTED], [PHL-OTP-00015401](#) at 0003, lines 47-55; Video of **DUTERTE**'s Speech, uploaded 15 July 2013, [PHL-OTP-00000354](#) (Transcript [PHL-OTP-00001679](#), Translation [PHL-OTP-00001682](#) at 0002, lines 7-8); Video of **DUTERTE**'s interview, uploaded 15 July 2013, [PHL-OTP-00000285](#) (Transcript [PHL-OTP-00000840](#), Translation [PHL-OTP-00000848](#) at 0002, lines 12-13). Presidential period, *see e.g.* PNP, CMC No. 16 – 2016, 1 July 2016, [PHL-OTP-0005-0259](#) at 0259; PCOO, **DUTERTE**'s Speech, 25 July 2016, [PHL-OTP-00000264](#) (Translation [PHL-OTP-00000335](#) at 0002, 0008); AI, [PHL-OTP-0003-0823](#).

⁵²⁵ Mayoral period, *see e.g.* [REDACTED], [PHL-OTP-0001-2605](#) at 2620, lines 477-495; [REDACTED], [PHL-OTP-00015501](#) at 0002, lines 14-21, [PHL-OTP-00015502](#) at 0007-0008, lines 183-258, [PHL-OTP-00015520](#) at 0012, lines 398-408; [REDACTED], [PHL-OTP-00015400](#) at 0003, line 86; [PHL-OTP-0006-9247](#) at 9248, 9250; [PHL-OTP-00001197](#). In relation to the Presidential period: the DILG is responsible for organising, training and equipping the PNP for the performance of their functions: DILG Website, [PHL-OTP-0003-3829](#).

⁵²⁶ *See above* VI. B. 5. **DUTERTE** used his Presidential powers to empower the co-perpetrators and to establish an expanded network of direct perpetrators.

⁵²⁷ *See above* paras. 40, 94 (fn 523).

⁵²⁸ Mayoral period, *see e.g.* Video of **DUTERTE**'s interview, uploaded 15 July 2013, [PHL-OTP-00000285](#) (Transcript [PHL-OTP-00000840](#), Translation [PHL-OTP-00000848](#) at 0002); Politiko Politics, [PHL-OTP-0003-1287](#) (Translation [PHL-OTP-00015621](#) at 0001). Presidential period, *see above* paras. 36, 40-45, 48-49, 57.

⁵²⁹ Mayoral period, *see e.g.* [REDACTED], [PHL-OTP-0001-2605](#) at 2620-2621, lines 490-516; [REDACTED], [PHL-OTP-00015502](#) at 0002-0003, lines 24-69, [PHL-OTP-00015507](#) at 0006, lines 170-190, [PHL-OTP-00015520](#) at 0013, lines 423-433, [PHL-OTP-00015525](#) at 0007-0008, lines 239-253, [PHL-OTP-00015532](#) at 0006, lines 161-171. Presidential period, *see e.g.* [REDACTED], [PHL-OTP-00015394](#) at 0022-0023, lines 758-782; P-0177, [PHL-OTP-00015487](#) at 0018-0019, lines 584-641; Office of the President, Dangerous Drugs Board, Board Regulation No. 1 Series of 2016, 3 August 2016, [PHL-OTP-0003-3529](#); GMA, [PHL-OTP-0003-1847](#).

⁵³⁰ *See e.g.* President of the Philippines, Memorandum from the President: Implementation of Republic Act 9165 Otherwise Known as the “Comprehensive Dangerous Drugs Act of 2002”, 10 October 2017, [PHL-OTP-0005-0439](#); PCOO, [PHL-OTP-0003-3720](#); PDEA, [PHL-OTP-0003-2556](#); Guardian, [PHL-OTP-0003-0269](#); PhilStar, [PHL-OTP-0003-1853](#); Rappler, [PHL-OTP-0003-1860](#).

⁵³¹ [Ntaganda AJ](#), para. 1041; [Bemba et al. AJ](#), paras. 820, 825; [Ongwen TJ](#), para. 2787.

killing”.⁵³² As such, his contributions were essential to the crimes within the framework of the Common Plan.⁵³³

4. *DUTERTE had the intent and knowledge as an indirect co-perpetrator under article 25(3)(a) for all the crimes*

97. **DUTERTE** acted intentionally and meant to engage in the conduct which constituted his essential contributions. Moreover, he meant for the crimes in Counts 1-5 to be committed, or was aware that implementing the Common Plan would, in the ordinary course of events, result in the commission of those crimes. This is particularly evident from **DUTERTE**’s countless statements throughout his Mayoral and Presidential periods promising to reduce crime by killing alleged criminals, promoting the Common Plan and urging police and members of the public to kill alleged criminals.⁵³⁴ Although on some occasions **DUTERTE** or those in his administration purported to clarify his remarks to suggest that he did not support extra-judicial killing, these clarifications were not genuine and did not reflect **DUTERTE**’s true intent. *First*, they were inconsistent with the manner in which the Common Plan continued to be implemented on the ground, and the resulting killings. *Second*, **DUTERTE** did not condemn the killings of suspected criminals, or urge police or the public to refrain from killing. *Third*, he did not take any concrete action to minimise the crimes. While **DUTERTE** twice suspended police anti-illegal drug operations following public outcry, he soon thereafter reinstated the police to lead anti-drug operations, following which the killings increased again.⁵³⁵

98. **DUTERTE**’s intent to commit the crimes in Counts 1-5 can also be inferred from various factors described above, including that: (i) he espoused and implemented the Common Plan in Davao City, including by organising police and non-police members into the DDS, instructing them on their mission to kill criminals, and giving his approval to the DDS to carry out killings in Davao City;⁵³⁶ (ii) he provided funding and resources to the DDS to carry out its work; (iii) he publicised his intention to implement the Common Plan nationally if elected President, making it clear that this would entail killing suspected criminals;⁵³⁷ (iv) he appointed to key national positions persons who had contributed to the Common Plan and the commission of

⁵³² [REDACTED], [PHL-OTP-00015394](#) at 0071, lines 2450-2453.

⁵³³ [Ntaganda AJ](#), para. 1041 (noting in relation to the “essential contribution” requirement that, “the contribution of a co-perpetrator which, on its face, is not directly to a specific crime, but to the implementation of the common plan more generally may still suffice.”).

⁵³⁴ *See above* para. 95 (fns. 524, 528).

⁵³⁵ *See above* para. 47.

⁵³⁶ *See above* VI. B. 1. **DUTERTE** became Mayor and established the Davao Death Squads to kill suspected criminals.

⁵³⁷ *See above* para. 82.

crimes in Davao City, [REDACTED];⁵³⁸ (v) following the launch of CMC No. 16-2016, he reinforced the underlying message that the implementation of the nationwide anti-drugs campaign would encompass the commission of crimes;⁵³⁹ and (vi) he vowed to protect police who faced prosecution for killings.⁵⁴⁰ [REDACTED]⁵⁴¹ [REDACTED].

99. **DUTERTE** was aware that the Common Plan involved an element of criminality and that implementing it would, in the ordinary course of events, result in the commission of the crimes set out in Counts 1-5. **DUTERTE**'s awareness of the criminal nature of his actions is established from the facts showing his intent described above, in addition to the following: **DUTERTE** made a range of public statements in which he acknowledged general and specific allegations of extrajudicial killings by his subordinates;⁵⁴² **DUTERTE** issued written orders showing he knew about crimes committed by his subordinates, as well as which of his subordinates were alleged to be most involved in such crimes;⁵⁴³ **DUTERTE** was put on notice of allegations of crimes committed by PNP personnel and others in the context of the Common Plan in Davao and nationwide through the documentation and reporting by government actors themselves,⁵⁴⁴ as well as by NGOs, international organisations and media outlets.⁵⁴⁵

100. **DUTERTE** was also aware of the fundamental features of the DDS and National Network that enabled the co-perpetrators to control the will of the physical perpetrators. This can be inferred from: **DUTERTE**'s *de jure* and *de facto* authority and control; his role in the DDS and National Network; his reliance on trusted subordinates to implement the Common Plan; his role in equipping the physical perpetrators with adequate resources to carry out the killings and in ensuring that perpetrators were paid, rewarded and shielded from prosecution.⁵⁴⁶

101. **DUTERTE** was aware of the factual circumstances that enabled him, together with the other co-perpetrators, to exercise functional control over the crimes. He was aware of the role assigned to him and to other co-perpetrators to implement the Common Plan and commit the agreed crimes. He was also aware of their official positions and *de facto* authority that enabled

⁵³⁸ See above para. 38.

⁵³⁹ See above para. 40.

⁵⁴⁰ See above para. 40.

⁵⁴¹ [REDACTED].

⁵⁴² See e.g. PCOO, **DUTERTE**'s Speech, 25 July 2016, [PHL-OTP-00000264](#) (Translation [PHL-OTP-00000335](#) at 0008) (referring to the photograph of an extrajudicial killing victim published in the "broadsheet" Inquirer); PCOO, **DUTERTE**'s Speech, 16 August 2017, [PHL-OTP-0003-3213](#) (Translation [PHL-OTP-00015491](#) at 0001).

⁵⁴³ See e.g. President of the Philippines, Memorandum Order No. 17, 5 December 2017, [PHL-OTP-0003-3319](#) at 3319 (referencing the "allegations" that "summary killings of illegal drug suspects had been perpetrated by law enforcement agencies, particularly the PNP").

⁵⁴⁴ See e.g. PDEA, [PHL-OTP-0003-2538](#); PCOO, [PHL-OTP-0003-3355](#) at 0025.

⁵⁴⁵ See e.g. HRW, [PHL-OTP-0003-0886](#); AI, [PHL-OTP-0003-0823](#); Inquirer, [PHL-OTP-0003-1550](#); Rappler, [PHL-OTP-0003-2254](#).

⁵⁴⁶ See above VI. E. **DUTERTE** is Criminally Responsible for the Crimes Alleged in this Application.

them to utilise members of the DDS and the National Network to commit crimes. This awareness can be inferred from the manner in which the co-perpetrators used existing hierarchies within law enforcement agencies in Davao City and nationwide to organise the DDS and National Network, how they instructed the physical perpetrators to commit the crimes and how the crimes were actually carried out.

VII. JURISDICTION AND ADMISSIBILITY

A. JURISDICTION

1. *The Court has jurisdiction in the Philippines situation*

102. The Court has jurisdiction over the crimes alleged in this Application. The crimes were committed when the Philippines was a State Party to the Statute: from 1 November 2011 to 16 March 2019.⁵⁴⁷ During this period, all the necessary pre-conditions to the Court’s exercise of jurisdiction—set out in articles 11 and 12—were satisfied,⁵⁴⁸ namely subject matter (*ratione materiae*),⁵⁴⁹ territorial (*ratione loci*), personal (*ratione personae*),⁵⁵⁰ and temporal (*ratione temporis*) jurisdiction.⁵⁵¹ The Philippines’ withdrawal from the Statute, effective from 17 March 2019, does not restrict the Court’s ability to exercise jurisdiction in this situation, as Pre-Trial Chamber I found in its Article 15(3) Decision, and affirmed in its Article 18(2) Decision.⁵⁵² The Statute and, in particular, the withdrawal provisions in article 127, do not impose any time limit on the Court’s ability to exercise jurisdiction over crimes committed during the period when the State was a party to the Statute.⁵⁵³ The Prosecution notes that in 2021 the Supreme Court of the Philippines found that “the International Criminal Court retains jurisdiction over any and all acts committed by government actors until March 17, 2019. Hence,

⁵⁴⁷ The Philippines became a State Party on its ratification of the Statute on 1 November 2011. It ceased to be a State Party from 17 March 2019, one year after giving notice of its withdrawal on 17 March 2018, in accordance with article 127(1) of the Statute: UN, Notification of Philippines Withdrawal from the Rome Statute, 17 March 2018, [PHL-OTP-0003-2950](#).

⁵⁴⁸ [Article 15 Decision](#), para. 111; *see also* paras. 109-110.

⁵⁴⁹ [Statute](#), article 12(1), referring to the crimes in article 5. The crimes alleged in this Application are crimes against humanity, under article 5(b).

⁵⁵⁰ [Statute](#), article 12(2). The crimes alleged in this Application were committed in the territory of the Philippines, and by **DUTERTE**, who is a national of the Philippines. The Philippines was a State Party at the time of the alleged crimes.

⁵⁵¹ [Statute](#), articles 11, 127(1). The crimes alleged in this Application were committed between 1 November 2011, when the Statute entered into force for the Philippines, up to and including 16 March 2019, when the Philippines’ withdrawal took effect.

⁵⁵² [Article 15 Decision](#), para. 111; *see also* paras. 109-110; [Article 18 Decision](#), para. 26.

⁵⁵³ [Article 15 Decision](#), para. 111, citing [Burundi Article 15 Decision](#), para. 24; [Abd-Al-Rahman Jurisdiction Decision](#), para. 33. *But see* [Article 18 Dissenting Opinion](#), paras. 23-35.

withdrawal from the Rome Statute does not affect the liabilities of individuals charged before [the ICC] for acts committed up to this date”.⁵⁵⁴ The ICC therefore retains jurisdiction.

2. *The crimes fall within the factual parameters of the investigation*

103. The crimes alleged in this Application fall within the parameters of the investigation as authorised by the Pre-Trial Chamber, namely: “crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the so-called ‘war on drugs’ campaign”.⁵⁵⁵ As set out above, **DUTERTE** and those in his administration espoused the campaign in Davao City and nationally to eliminate “drugs and crime”.⁵⁵⁶ From the outset, the campaign targeted not just suspected drug users, dealers and producers, but also other alleged criminals. The crimes committed as part of this campaign thus fall within the authorised factual parameters of the situation, which, as defined in the Prosecution’s Article 15(3) Request, concerned crimes committed in the context of the campaign “as well as any other crimes which are sufficiently linked to these events”.⁵⁵⁷

104. **DUTERTE** does not benefit from any ‘head of state’ immunity before the Court under national or international law for the period he served as the President and head of state of the Philippines.⁵⁵⁸ As such, the Court is not barred from exercising jurisdiction over him, pursuant to article 27(2) of the Statute. No such immunity attaches in any event to the period in which **DUTERTE** was the Mayor and Vice Mayor of Davao City.

B. ADMISSIBILITY

105. The Chamber is not required to determine the admissibility of the case in order to issue arrest warrants under article 58(1) of the Statute, but may nonetheless exercise discretion to do so “when it is appropriate in the circumstances of the case, bearing in mind the interests of the suspect”, such as when there are any “uncontested facts that render a case clearly inadmissible or an ostensible cause impelling the exercise of *proprio motu* review.”⁵⁵⁹

⁵⁵⁴ Supreme Court of the Philippines, *Pangilinan & Ors v. Cayetano & ors*, G.R. No. 238875, 16 March 2021, [PHL-OTP-00015478](#) at 0044. *See also* at 0028 (stating in relation to the one-year notice period for withdrawal under article 127(1) that “this one-year period does not undermine or diminish [the Court’s] jurisdiction and power to continue a probe that it has commenced while a state was a party to the Rome Statute”).

⁵⁵⁵ [Article 15 Decision](#), paras. 113-118, p. 41.

⁵⁵⁶ *See above* paras. 23, 33, 36, 40-41, 43-45, 49, 60.

⁵⁵⁷ [Article 15 Request](#), para. 131.

⁵⁵⁸ [Al-Bashir Immunity AD](#), paras. 102-103.

⁵⁵⁹ [DRC AWA AD](#), para. 52. *See also e.g.* [Al-Werfalli First AW](#), para. 24.

1. *There are no known relevant proceedings against DUTERTE*

106. In the course of its investigation into this Situation, the Prosecution has encountered no information indicating that effective investigations or prosecutions of **DUTERTE** are being conducted by the Philippines or by any other State which may have jurisdiction.⁵⁶⁰

2. *The case against DUTERTE is sufficiently grave*

107. This case amply meets the threshold of article 17(1)(d), which excludes only those “unusual cases” which are “of marginal gravity only”.⁵⁶¹ Quantitative criteria alone (including the number of victims) may not be dispositive of the gravity of a case, and consideration must be given to factors including the factual nature of the crimes, their manner of commission, and the impact on victims, as well as **DUTERTE**’s degree of responsibility.⁵⁶²

108. In this case, the nature, manner of commission of the crimes, their impact on victims, and their scale demonstrate a high level of gravity.⁵⁶³ **DUTERTE** and his co-perpetrators were State officials who abused their power and used State resources to murder, torture and rape. They dehumanised the targeted population and treated the lives of their victims, including children, as disposable. [REDACTED] raped by DDS police begged for help. The torture perpetrated against [REDACTED] long-term physical injuries which persist and require medical treatment to this day, more than a decade after the incident.

109. **DUTERTE** is the person most responsible for the crimes referenced in this Application. He was the mastermind of the formulation and dissemination of the Common Plan to target alleged criminals. He first conceived of the plan and oversaw its implementation in Davao City, and then nationwide. As Mayor, and later as head of state, head of government and “leader of the country’s police forces”, **DUTERTE** had authority over the perpetrators of relevant crimes. Indeed, as President, he was the *only* individual in the Philippines with ultimate authority over *all* State actors involved in implementing the Common Plan. He alone could approve or prevent the implementation of the Common Plan in its entirety.

⁵⁶⁰ See also [Article 18 Decision](#), para. 68 (finding that “the domestic proceedings in the Philippines [...] only address the physical, low-ranking perpetrators and at present do not extend to any high-ranking officials”).

⁵⁶¹ [Al Hassan Gravity AD](#), para. 53. See also paras. 55-56, 59.

⁵⁶² [Al Hassan Gravity AD](#), paras. 92, 94.

⁵⁶³ [Al Hassan Gravity AD](#), para. 92.

VIII. NECESSITY OF ARREST

110. Consistent with article 58(b)(i) of the Statute, the arrest of **DUTERTE** is necessary to ensure his appearance before the Court. Under **DUTERTE**'s rule, the Republic of the Philippines withdrew from the Rome Statute in an apparent attempt to evade responsibility for crimes before the Court for crimes he committed.⁵⁶⁴ The plethora of public statements which **DUTERTE** has made attacking both the Court and its legitimacy in this Situation suggest that there is no reasonable expectation that he would cooperate with a summons to appear issued by the Court.⁵⁶⁵ Indeed, **DUTERTE** has expressly stated that, if the ICC should “come for me, if they arrest me here, there will be a shootout, I will finish all those sons of bitches”.⁵⁶⁶

111. **DUTERTE**'s arrest may also be necessary to prevent further killings. He plans to run for Mayor of Davao City again in 2025 and has pledged to “double” the killings the “moment I return”.⁵⁶⁷

IX. REQUEST FOR URGENT CONSIDERATION OF THE APPLICATION

112. The Prosecution understands that there is a realistic but time-limited possibility of securing **DUTERTE**'s arrest. In late 2024, the Government of the Philippines publicly announced—for the first time—that it may execute an ICC arrest warrant.⁵⁶⁸ In late January 2025, the Government publicly stated that it would execute an ICC arrest warrant if a request to do so is made through INTERPOL.⁵⁶⁹ [REDACTED].⁵⁷⁰ Should this eventuate, the prospects of arresting **DUTERTE** will likely disappear.

113. Given the time-limited nature of the arrest opportunity, the Prosecution respectfully requests the Chamber to consider this Application on an expedited basis, including by issuing an arrest warrant with reasons to follow, to maximise the chances of arresting **DUTERTE**, should the Chamber decide to grant the Application.

⁵⁶⁴ UN, Notification of Philippines' Withdrawal from the Rome Statute, 17 March 2018, [PHL-OTP-0003-2950](#); GMA, [PHL-OTP-0003-1425](#).

⁵⁶⁵ See e.g. GMA, [PHL-OTP-0003-1425](#); Guardian, [PHL-OTP-0003-0277](#).

⁵⁶⁶ Rappler, [PHL-OTP-00000273](#).

⁵⁶⁷ PhilStar, [PHL-OTP-00015374](#).

⁵⁶⁸ GoPHL, [PHL-OTP-00015335](#).

⁵⁶⁹ PhilStar, [PHL-OTP-00017726](#).

⁵⁷⁰ [REDACTED], [PHL-OTP-00015372](#); Reuters, [PHL-OTP-00015380](#); Associated Press, [PHL-OTP-00015376](#); Manila Times, [PHL-OTP-00015378](#).

X. CONCLUSION

114. For all the preceding reasons, the Prosecution respectfully requests the Chamber to, on an expedited basis:

- (i) find that there are reasonable grounds to believe that **DUTERTE** committed crimes within the jurisdiction of the Court as outlined in this Application;
- (ii) separately issue an arrest warrant under seal (*ex parte*, available to the Prosecution only) for **DUTERTE**, in accordance with the parameters requested above;
- (iii) authorise the Prosecution to communicate—in consultation with Registry—the existence of the warrant of arrest, as well as the information contained in the “Conclusion” section of the warrant of arrest, containing the name of the suspect as well as the alleged crimes for which the arrest is sought, to any State or international organisation for the purposes of the execution of the warrant of arrest, including to obtain relevant intelligence; and
- (iv) authorise the Registry to transmit, in prior consultation and coordination with the Prosecution, a request for the arrest and surrender of **DUTERTE** to the competent authorities of the Republic of the Philippines (via INTERPOL if necessary) and any other relevant State identified in consultation with the Prosecution.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 13th day of March 2025

At The Hague, the Netherlands