



Original: **English**

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

Date: **23 April 2026**

**PRE-TRIAL CHAMBER I**

**Before:**

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

**SITUATION IN THE REPUBLIC OF THE PHILIPPINES  
IN THE CASE OF *THE PROSECUTOR v. RODRIGO ROA DUTERTE***

**Public**

Public redacted version of 'Decision on the confirmation of charges against Mr Rodrigo Roa Duterte', 23 April 2026

**Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:**

**The Office of the Prosecutor**

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

## **REGISTRY**

---

**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

<b>I. PROCEDURAL HISTORY .....</b>	<b>4</b>
<b>II. THE CHAMBER’S APPROACH .....</b>	<b>7</b>
A. Scope of the charges .....	7
B. Nature, purpose and content of the present decision .....	12
C. Individual criminal responsibility .....	17
1. Indirect co-perpetration pursuant to article 25(3)(a) of the Statute .....	18
2. Ordering and/or inducing pursuant to article 25(3)(b) of the Statute .....	19
3. Aiding and abetting pursuant to article 25(3)(c) of the Statute .....	20
<b>III. THE CHAMBER’S ASSESSMENT OF THE EVIDENCE .....</b>	<b>21</b>
A. Contextual elements of crimes against humanity .....	23
B. Alleged crimes .....	29
C. Individual criminal responsibility .....	32
1. Mr Duterte’s status, roles and functions .....	32
2. Mr Duterte’s conduct, contributions and <i>mens rea</i> .....	33
<b>IV. THE CONFIRMED CHARGES .....</b>	<b>41</b>

**PRE-TRIAL CHAMBER I** (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues, pursuant to article 61(7) of the Rome Statute (the ‘Statute’), this ‘Decision on the confirmation of charges against Mr Rodrigo Roa Duterte’ (‘Mr Duterte’), a national of the Republic of the Philippines (the ‘Philippines’) born on 28 March 1945 in Maasin, Southern Leyte, the Philippines,<sup>1</sup> currently detained at the seat of the Court.

1. The full text of the charges on which the Prosecution seeks that Mr Duterte be committed for trial is available in the ‘Document Containing the Charges’ (the ‘DCC’) filed by the Prosecution on 4 July 2025,<sup>2</sup> to be read in conjunction with the ‘Prosecution’s Pre-Confirmation Brief’ (the ‘PCB’), filed on 18 July 2025.<sup>3</sup>

## **I. PROCEDURAL HISTORY**

2. On 12 April 2021, the Prosecution notified the Presidency of its intention to file a request for authorisation to open an investigation into the situation in the Philippines pursuant to article 15(3) of the Statute, following which the Presidency assigned the situation in the Philippines to Pre-Trial Chamber I in a previous composition.<sup>4</sup>

3. On 15 September 2021, following the Prosecution’s request on 24 May 2021,<sup>5</sup> Pre-Trial Chamber I, in its previous composition, authorised the commencement of an investigation into the Situation in the Philippines.<sup>6</sup>

4. On 12 March 2025, pursuant to a warrant of arrest issued by the Chamber on 7 March 2025,<sup>7</sup> Mr Duterte was surrendered to the Court and made his initial appearance on 14 March

<sup>1</sup> See [Transcript of hearing](#), 14 March 2025, ICC-01/21-01/25-T-002-ENG (the ‘Transcript of 14 March 2025 Hearing’), p. 3, lines 23-24.

<sup>2</sup> ICC-01/21-01/25-178-Conf (public redacted version notified on 22 September 2025, [ICC-01/21-01/25-178-Red](#); lesser public redacted version notified on 13 February 2026, [ICC-01/21-01/25-178-Red2](#)).

<sup>3</sup> ICC-01/21-01/25-201-Conf-Corr (corrected version notified on 24 July 2025; public redacted version notified on 22 September 2025, [ICC-01/21-01/25-201-Corr-Red](#); lesser public redacted version notified on 13 February 2026, [ICC-01/21-01/25-201-Corr-Red2](#)) with confidential Annexes A-D, F and H-I, and public Annexes E, G and J-K.

<sup>4</sup> [Decision on the assignment of the situation in the Republic of the Philippines](#), 19 April 2021, ICC-01/21-01/25-1, with secret *ex parte* Annex 1.

<sup>5</sup> Request for authorisation of an investigation pursuant to article 15(3), ICC-01/21-01/25-7-SECRET-Exp (public redacted version notified on 14 June 2021, [ICC-01/21-01/25-7-Red](#)).

<sup>6</sup> [Decision on the Prosecutor’s request for authorisation of an investigation pursuant to Article 15\(3\) of the Statute](#), ICC-01/21-01/25-12.

<sup>7</sup> [Warrant of Arrest for Mr Rodrigo Roa Duterte](#), ICC-01/21-01/25-83. See also Prosecution’s urgent application under article 58 for a warrant of arrest against Rodrigo Roa DUTERTE, 10 February 2025, ICC-01/21-01/25-80-US-Exp (public redacted version notified on 13 March 2025, [ICC-01/21-01/25-80-Red](#)).

2025.<sup>8</sup> During the hearing for the initial appearance, the Chamber provisionally set the commencement date of the hearing on the confirmation of charges (the ‘Confirmation Hearing’) for 23 September 2025,<sup>9</sup> which was later postponed by majority,<sup>10</sup> and eventually scheduled to commence on 23 February 2026.<sup>11</sup>

5. On 17 April 2025, the Chamber issued the ‘Order on the conduct of confirmation proceedings’,<sup>12</sup> containing directions on *inter alia* the disclosure process and regime, the submission of the DCC and the PCB, various time limits in relation to the Confirmation Hearing, as well as victims’ participation and legal representation.

6. On 4 July 2025, the Prosecution submitted the DCC and its list of evidence,<sup>13</sup> and on 18 July 2025 it submitted the PCB and an updated list of evidence.<sup>14</sup> The Prosecution subsequently clarified the scope of the charges,<sup>15</sup> indicating that ‘the 49 incidents and 78 victims referenced in its DCC and PCB are intended as a non-exhaustive list’.

7. On 1 September 2025, the Prosecution and the Defence submitted the ‘Joint Prosecution and Defence submission on agreed facts’.<sup>16</sup>

8. On 5 September 2025, the Defence submitted its list of evidence.<sup>17</sup>

---

<sup>8</sup> [Decision convening a hearing for the first appearance of Mr Rodrigo Roa Duterte](#), 13 March 2025, ICC-01/21-01/25-90; [Transcript of 14 March 2025 Hearing](#).

<sup>9</sup> [Transcript of 14 March 2025 Hearing](#), p. 10, lines 8-11.

<sup>10</sup> [Decision postponing the hearing on the confirmation of charges](#), 8 September 2025, ICC-01/21-01/25-267; [Dissenting Opinion of Judge María del Socorro Flores Liera](#), ICC-01/21-01/25-267-OPI.

<sup>11</sup> Decision on the ‘Defence Request for an Indefinite Adjournment’ and Mr Duterte’s fitness to take part in the pre-trial proceedings, 26 January 2026, ICC-01/21-01/25-356-Conf (public redacted version notified on the same day, [ICC-01/21-01/25-356-Red](#)) (the ‘Decision on the Adjournment Request’).

<sup>12</sup> [ICC-01/21-01/25-114](#).

<sup>13</sup> [Prosecution’s Submission of the List of Evidence](#), ICC-01/21-01/25-180, with confidential Annex A.

<sup>14</sup> [Prosecution’s Submission of an Updated List of Evidence](#), ICC-01/21-01/25-200, with confidential Annex A. The Prosecution subsequently filed the [Prosecution’s Submission of the Second Updated List of Evidence](#), 13 February 2026, ICC-01/21-01/25-378, with confidential Annex A; and the [Prosecution’s Submission of the Third Updated List of Evidence](#), 20 February 2026, ICC-01/21-01/25-391, with confidential Annex A (the ‘Prosecution’s List of Evidence’).

<sup>15</sup> [Prosecution’s Clarification on the Proposed Scope of the Charges](#), 8 December 2025, ICC-01/21-01/25-330 (the ‘Prosecution’s Clarification’). *See also* [Defence Response to the Prosecution’s Clarification on the Proposed Scope of the Charges \(ICC-01/21-01/25-330-Conf\)](#), 10 December 2025, ICC-01/21-01/25-332 (the ‘Defence’s Response to Prosecution’s Clarification’); [Observations on behalf of Victims on the “Prosecution’s Clarification on the Proposed Scope of the Charges”](#), 10 December 2025, ICC-01/21-01/25-333 (the ‘OPCV’s Observations on Prosecution’s Clarification’).

<sup>16</sup> ICC-01/21-01/25-259-Conf (public redacted version notified on 1 September 2025, [ICC-01/21-01/25-259-Red](#)).

<sup>17</sup> Defence submission of its List of Evidence pursuant to Rule 121(6), ICC-01/21-01/25-265-Conf-Exp, with confidential *ex parte* Annex A. The Defence subsequently filed the [Defence Submission of its Updated List of Evidence pursuant to Rule 121\(6\)](#), 13 February 2026, ICC-01/21-01/25-377, with confidential *ex parte* Annex A; and the [Defence Second Submission of its Updated List of Evidence pursuant to Rule 121\(6\)](#), 20 February 2026, ICC-01/21-01/25-393, with confidential *ex parte* Annex A (the ‘Defence’s List of Evidence’).

9. On 26 September 2025, the Chamber rejected the Defence's requests for interim release,<sup>18</sup> and that decision was confirmed by the Appeals Chamber on 28 November 2025.<sup>19</sup> The Chamber subsequently reviewed its Decision on Interim Release within the time limit set out under rule 118(2) of the Rules of Procedure and Evidence (the 'Rules') and remanded Mr Duterte in detention.<sup>20</sup> This decision was confirmed by the Appeals Chamber on 6 March 2026.<sup>21</sup>

10. On 23 October 2025, the Chamber issued the 'Decision on the Defence Challenge to the Jurisdiction of the Court',<sup>22</sup> finding that 'the Court can exercise its jurisdiction in the present case over the crimes alleged against Mr Duterte that were committed on the territory of the Philippines'. This decision was confirmed by the Appeals Chamber on 22 April 2026.<sup>23</sup>

11. On 26 January 2026, following the Defence's request to adjourn the proceedings indefinitely based upon its assertion that Mr Duterte was not fit to participate,<sup>24</sup> and having regard to the medical assessment of the panel of experts appointed to undertake a medical examination of the suspect, the Chamber found Mr Duterte to be fit to take part in the pre-trial proceedings, and thereby rejected the Defence's Adjournment Request.<sup>25</sup>

---

<sup>18</sup> Decision on the Defence's 'Urgent Request for Interim Release' and 'Renewed Request for Interim Release', 26 September 2025, ICC-01/21-01/25-282-Conf (public redacted version notified on 10 October 2025, [ICC-01/21-01/25-282-Red](#)) (the 'Decision on Interim Release').

<sup>19</sup> Judgment on the appeal of Mr Rodrigo Roa Duterte against the decision of Pre-Trial Chamber I entitled "Decision on the Defence's 'Urgent Request for Interim Release' and 'Renewed Request for Interim Release'", ICC-01/21-01/25-326-Conf (public redacted version notified on the same day, [ICC-01/21-01/25-326-Red](#)).

<sup>20</sup> Decision on the review of Mr Rodrigo Roa Duterte's detention, 26 January 2026, ICC-01/21-01/25-357-Conf (public redacted version notified on the same day, [ICC-01/21-01/25-357-Red](#)).

<sup>21</sup> Judgment on the appeal against Pre-Trial Chamber I's "Decision on the review of Mr Rodrigo Roa Duterte's detention", ICC-01/21-01/25-408-Conf (public redacted version notified on the same day, [ICC-01/21-01/25-408-Red](#)).

<sup>22</sup> [ICC-01/21-01/25-309](#).

<sup>23</sup> Judgment on the appeal of Mr Rodrigo Roa Duterte against Pre-Trial Chamber's "Decision on the Defence Challenge to the Jurisdiction of the Court" of 23 October 2025, 22 April 2026, ICC-01/21-01/25-415; [Partly Dissenting Opinion of Judge Gocha Lordkipanidze](#), 22 April 2026, ICC-01/21-01/25-415-OPI.

<sup>24</sup> Defence Request for an Indefinite Adjournment, 18 August 2025, ICC-01/21-01/25-230-Conf (public redacted version notified on 11 September 2025, [ICC-01/21-01/25-230-Red](#)), with confidential Annexes A and B (the 'Defence's Adjournment Request').

<sup>25</sup> [Decision on the Adjournment Request](#).

12. On 26 January and 13 February 2026, the Chamber issued decisions on victims' participation and legal representation,<sup>26</sup> *inter alia* authorising the participation in the confirmation proceedings of 539 victims and appointing their common legal representatives.<sup>27</sup>

13. Between 23 and 27 February 2026, pursuant to the schedule set by the Chamber,<sup>28</sup> the Confirmation Hearing took place in conjunction with the annual hearing on the review of Mr Duterte's detention.<sup>29</sup> These hearings were held in the absence of Mr Duterte following the Chamber's decisions granting his requests to waive his right to attend them.<sup>30</sup>

## II. THE CHAMBER'S APPROACH

### A. Scope of the charges

14. Further to an order of the Chamber for clarification of 'whether the scope of the charges [the Prosecution] seeks to be confirmed against Mr Duterte is limited to the specific incidents and murder victims listed in the DCC and the PCB, or whether such incidents and murder victims consist of a non-exhaustive list meant to provide examples of the conduct underlying the charges',<sup>31</sup> the Prosecution clarified that, '[g]iven the circumstances of this case, including the alleged scale of criminality and modes of liability', the '49 incidents and 78 victims referenced in its DCC and PCB are intended as a non-exhaustive list'.<sup>32</sup>

15. In its Observations, the OPCV asserted that (i) the scope of the charges as clarified by the Prosecution is consistent with the wording of the DCC which, 'while presenting a number of murders and attempted murders, clarifies that "the actual scale of victimisation was

<sup>26</sup> [Decision on victims' participation and legal representation](#), ICC-01/21-01/25-358; [Second decision on victims' participation and legal representation](#), ICC-01/21-01/25-375.

<sup>27</sup> See also Registry, [Notification pursuant to the "Decision on victims' participation and legal representation" \(ICC-01/21-01/25-358, 26 January 2026\)](#), 4 February 2026, ICC-01/21-01/25-365, with confidential Annexes I-IV.

<sup>28</sup> [Order setting the schedule and directions for the confirmation of charges hearing and convening the annual hearing on detention](#), 27 January 2026, ICC-01/21-01/25-359.

<sup>29</sup> [Transcript of hearing](#), 23 February 2026, ICC-01/21-01/25-T-004-Red-ENG (the 'Transcript of 23 February 2026 Hearing'); [Transcript of hearing](#), 24 February 2026, ICC-01/21-01/25-T-005-ENG (the 'Transcript of 24 February 2026 Hearing'); [Transcript of hearing](#), 26 February 2026, ICC-01/21-01/25-T-006-Red-ENG (the 'Transcript of 26 February 2026 Hearing'); [Transcript of hearing](#), 27 February 2026, ICC-01/21-01/25-T-007-Red-ENG (the 'Transcript of 27 February 2026 Hearing').

<sup>30</sup> [Decision on Mr Duterte's request to waive the right to attend the hearing on the confirmation of charges](#), 20 February 2026, ICC-01/21-01/25-387; [Decision on Mr Duterte's request to waive the right to attend the annual hearing on detention](#), 25 February 2026, ICC-01/21-01/25-395.

<sup>31</sup> Email from the Chamber, [ICC-01/21-01/25 – Confidential] Order for clarification, 3 December 2025, at 11:44.

<sup>32</sup> [Prosecution's Clarification](#), paras 5, 7. See also [Transcript of 23 February 2026 Hearing](#), p. 9, lines 17-19, p. 45, lines 15-19; [Transcript of 24 February 2026 Hearing](#), p. 19, lines 13-14.

significantly greater, as reflected in the widespread nature of the attack””; and (ii) the wording of the allegation regarding the attack against the civilian population ‘impl[ies] that the incidents in the DCC and in the PCB are to be considered as mere examples of the extent of the victimisation’.<sup>33</sup> The OPCV further argued that ‘[t]his approach is in line with the current practice of Chambers, the general established practice in international criminal cases, and takes into account the interests of the victims reflecting the true nature and extent of their victimisation’.<sup>34</sup>

16. The Defence responded that, even if the incidents in the DCC are a non-exhaustive list, the Prosecution is ‘required to satisfy the “substantial grounds” threshold for the occurrence of the 49 Incidents as well as their nexus to Mr Duterte’.<sup>35</sup> The Defence argued that the Chamber must assess these incidents ‘in order to determine and define the nature and scope of the confirmed charges’ for which ‘the Defence is entitled to be put on notice’.<sup>36</sup> The Defence added that ‘[t]his approach finds support in the practice of the Court’,<sup>37</sup> and further averred that, ‘[w]hile the circumstances of a case may, sometimes, permit the charges to be described “in a less specific manner”, a minimum level of detail must still be met with respect to the “period of time during which and an area where criminal acts were allegedly committed by an identifiable group of perpetrators”’.<sup>38</sup> In this regard, according to the Defence, the ‘temporal and geographic scope of the charges, if assessed independently of the incidents, would be overbroad’<sup>39</sup> and it is for the Chamber to ‘assess each of the 49 Incidents independently on the evidence, so as to appropriately circumscribe the factual ambit of the case and the “group of perpetrators” in order to meet the minimum level of detail’.<sup>40</sup> The Defence asserted that any incidents the Prosecution would seek to add ‘must be sufficiently detailed’, ‘fall squarely within the facts and circumstances of the Incidents comprising the confirmed charges’, and ‘follow the mandatory procedure prescribed under Article 61(9) of the Statute’.<sup>41</sup>

17. At the outset, the Chamber notes that the Defence appears to conflate the issue of prompt and sufficient notice of the charges to the suspect under article 67(1)(a) of the Statute with the

---

<sup>33</sup> [OPCV’s Observations on Prosecution’s Clarification](#), para. 9 (emphasis omitted).

<sup>34</sup> [OPCV’s Observations on Prosecution’s Clarification](#), para. 11 (footnotes omitted).

<sup>35</sup> [Defence’s Response to Prosecution’s Clarification](#), para. 9.

<sup>36</sup> [Defence’s Response to Prosecution’s Clarification](#), para. 9.

<sup>37</sup> [Defence’s Response to Prosecution’s Clarification](#), para. 10.

<sup>38</sup> [Defence’s Response to Prosecution’s Clarification](#), para. 11.

<sup>39</sup> [Defence’s Response to Prosecution’s Clarification](#), para. 12.

<sup>40</sup> [Defence’s Response to Prosecution’s Clarification](#), para. 13.

<sup>41</sup> [Defence’s Response to Prosecution’s Clarification](#), paras 11, 14, 16.

issue of the proper delineation of the scope of the charges for the purposes of article 74(2) of the Statute.<sup>42</sup> In this regard, the Appeals Chamber's jurisprudence indicates that the question of sufficient notice under article 67(1)(a) of the Statute is distinct from the issue of the level of detail required in the formulation of the charges allowing for a meaningful application of article 74(2) of the Statute.<sup>43</sup> Therefore, in light of the nature of the matter at hand and the arguments presented by the Defence in its response to the Prosecution's Clarification, the Chamber will focus on the question of the proper definition of the scope of the charges for the application of article 74(2) of the Statute. For its decision under that provision, which states that such 'decision shall not exceed the facts and circumstances described in the charges', a Trial Chamber may take into account only information made available before the start of the trial hearings.<sup>44</sup> Therefore, in the present decision the Chamber must ensure that the charges are not only legally and factually sound but also properly formulated and delineated.

18. With regard to the requirement that charges must be specific, the Appeals Chamber in the case of *The Prosecutor v. Bosco Ntaganda* clarified that:

For the purposes of article 74(2) of the Statute, the charges must be described in such a way that the trial chamber as well as the parties and participants are able 'to determine with certainty which sets of historical events, in the course of which crimes under the jurisdiction of the Court are alleged to have been committed form part of the charges, and which do not'. It is not necessarily the case that such determination is possible only where the charging documents list all criminal acts underlying each charge exhaustively. Depending on the circumstances of the case, the charges may be described in a less specific manner, for instance, by specifying a period of time during which and an area where criminal acts were allegedly committed by an identifiable group of perpetrators against an identifiable group of victims. While in such a case the document containing the charges may also list or make reference to specific criminal acts, the scope of the case is not necessarily limited to them – 'other criminal acts not mentioned in the document containing the charges may still fall within the – broadly described – facts and circumstances of the charges'. Whether such description of the charges is sufficient for purposes of article 74(2) of the Statute will depend, *inter alia*, on the scale of criminality and the mode of individual criminal responsibility alleged.<sup>45</sup>

<sup>42</sup> See [Defence's Response to Prosecution's Clarification](#), paras 4 (*referring to* article 67(1) of the Statute), 5 and footnote 7 (*referring to* Appeals Chamber, [Judgment on the appeals of Mr Bosco Ntaganda and the Prosecutor against the decision of Trial Chamber VI of 8 July 2019 entitled 'Judgment'](#), 30 March 2021, ICC-01/04-02/06-2666-Red (the '*Ntaganda* Appeal Judgment')).

<sup>43</sup> [Ntaganda Appeal Judgment](#), para. 322.

<sup>44</sup> See Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, [Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction](#), 1 December 2014, ICC-01/04-01/06-3121-Red (the '*Lubanga* Appeal Judgment'), para. 129.

<sup>45</sup> [Ntaganda Appeal Judgment](#), paras 5, 326 (footnotes omitted).

19. Recalling the above jurisprudence, Trial Chamber VI identified the scale of criminality and the alleged mode of individual criminal responsibility as ‘the guiding criteria’ in determining whether it is permissible for the charges to be described with regard to confirmed temporal and geographical parameters, and for individual criminal acts and victims to be listed in a non-exhaustive manner. Accordingly, ‘a broader description of the charges may be acceptable for the purpose of article 74(2) of the Statute in cases where the extent of the criminality is of a larger scale and the accused is further removed from the scene of crimes’.<sup>46</sup>

20. In light of the above, a broader description of the charges defined through examples of relevant incidents is not necessarily incompatible with article 74(2) of the Statute. Depending, among other things, upon the scale of the criminality and the alleged modes of liability, charges may cover a significant time period and territory, as long as it is possible for the Trial Chamber as well as the parties and participants to identify which historical events are covered by the charges and which are not. Indeed, given the type of criminality over which this Court has jurisdiction – which typically affects large numbers of victims – it may be necessary to allow for a broader description of the charges in circumstances in which it would otherwise be impossible or difficult to adequately capture the extent of the victimisation as well as the suspect’s alleged responsibility therefor.<sup>47</sup>

21. Moreover, in these circumstances, if the Prosecution were required to come back to the Pre-Trial Chamber each time it identifies one or more further incidents or victims relevant to a confirmed charge, this could potentially trigger a very large amount of parallel litigation, particularly in cases in which indirect co-perpetration is alleged.<sup>48</sup> Not only would such a requirement be practically unworkable;<sup>49</sup> it could also result in significantly disrupting the orderly conduct of trial proceedings, ultimately adversely affecting the right of the accused to be tried expeditiously.

---

<sup>46</sup> Trial Chamber VI, *The Prosecution v. Mahamat Said Abdel Kani*, [Decision on Prosecution Notification regarding the Charges \(ICC-01/14-01/21-262-Red\)](#), 20 April 2022, ICC-01/14-01/21-282, para. 15.

<sup>47</sup> See Pre-Trial Chamber III, *The Prosecutor v. Joseph Kony*, [Decision on the confirmation of charges in absentia against Joseph Kony pursuant to articles 61\(2\)\(b\) and 61\(7\) of the Rome Statute](#), 6 November 2025, ICC-02/04-01/05-633 (the ‘Kony Confirmation Decision’), para. 193.

<sup>48</sup> *Contra* [Defence’s Response to Prosecution’s Clarification](#), para. 11.

<sup>49</sup> Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”)*, [Decision on the Prosecution’s application to amend the charges](#), 14 March 2022, ICC-02/05-01/20-626 (the ‘Abd-Al-Rahman Article 61(9) Decision’), para. 25; Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, [Decision on the Prosecution’s application to amend the charges](#), 8 July 2022, ICC-01/14-01/21-396 (the ‘Said Article 61(9) Decision’), para. 25.

22. In situations in which charges have been broadly formulated, further specification of, for example, the number of victims or incidents neither impacts the temporal or geographical scope of the confirmed charges nor does it alter any other material facts other than the number of persons victimised. Indeed, in such cases, the number of victims mentioned in the charges, whilst providing an indication of the scope of the charged crime, sets neither the upper nor the lower limit. The Trial Chamber hearing the case can eventually find that a larger or smaller number of persons fell victim to the relevant crime than the figure arrived at by the Pre-Trial Chamber at the confirmation stage.<sup>50</sup> As long as the temporal, geographical and other material factual parameters, as well as the charged contribution of the suspect, remain the same, further specification of the charges will remain within the boundary of the charge as originally confirmed. Any developments in this regard must, however, not come as a surprise: as soon as information allowing further specification of the charges becomes available, the Defence must be adequately put on notice by appropriate means, such as a trial brief.<sup>51</sup>

23. In the present case, Mr Duterte is alleged to have been the Vice Mayor and Mayor of Davao City between at least 1 November 2011 and 30 June 2016, and the President of the Philippines between 30 June 2016 and at least 16 March 2019. Mr Duterte is charged, *inter alia*, as an indirect co-perpetrator of a common plan to ‘neutralise’ criminals in the Philippines (including those perceived or alleged to be associated with drug use, sale or production), through violent crimes including murder. According to the Prosecution, Mr Duterte was at the apex of the entities that were used to carry out a widespread attack against the civilian population consisting of the commission of numerous crimes over an extended period of time and, with regard to the presidential period, in a large territory. In these circumstances, the Chamber considers that requiring an exhaustive list of all incidents related to the charged criminality in this case is unwarranted, and that a broad approach to the scope of the charges through illustrative examples of relevant incidents may indeed be necessary to cover the extent of Mr Duterte’s alleged criminality. If the Prosecution were required to list all individual incidents and victims comprised within the temporal and geographical parameters mentioned above, the charges would either become unmanageably long, potentially conflicting with the

---

<sup>50</sup> [Abd-Al-Rahman Article 61\(9\) Decision](#), para. 24; [Said Article 61\(9\) Decision](#), para. 24.

<sup>51</sup> [Abd-Al-Rahman Article 61\(9\) Decision](#), para. 25; [Said Article 61\(9\) Decision](#), para. 25.

requirement that proceedings before the Court be expeditious, or capture only a small part of the alleged criminal conduct and victimisation.<sup>52</sup>

24. Therefore, the Chamber finds that, based upon the non-exhaustive list of incidents set out in any charges that may be confirmed, the Trial Chamber as well as the parties and participants in any potential trial of Mr Duterte will be able to identify which historical events are covered by the charges, i.e. the time during which and an area where criminal acts were allegedly committed by an identifiable group of perpetrators against an identifiable group of victims. In addition, in light of the above, and contrary to the Defence's assertion,<sup>53</sup> the Chamber finds that the addition of incidents that would fall within the scope of the confirmed charges would not necessitate recourse to article 61(9) of the Statute.

### **B. Nature, purpose and content of the present decision**

25. In the present decision, the Chamber must determine under article 61(7) of the Statute whether there is sufficient evidence to establish substantial grounds to believe that Mr Duterte committed the crimes with which he is charged.

26. The primary purpose of the confirmation proceedings is to decide whether the case as presented by the Prosecution is sufficiently established to warrant a trial. The Statute mandates that this be decided by answering the question of whether there are substantial grounds to believe that the person committed the crimes charged. The confirmation of charges procedure thus protects the suspect from wrongful and unfounded accusations, by ensuring that only those persons against whom sufficiently compelling charges that go beyond mere theory or suspicion are brought are committed for trial. Accordingly, the Chamber will only confirm those charges which are adequately supported by the available evidence to the relevant standard.<sup>54</sup>

---

<sup>52</sup> [Kony Confirmation Decision](#), para. 194. *Contra* [Defence's Response to Prosecution's Clarification](#), paras 3, 14, 16.

<sup>53</sup> [Defence's Response to Prosecution's Clarification](#), paras 11, 16.

<sup>54</sup> See [Kony Confirmation Decision](#), para. 36; Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, [Decision on the confirmation of charges against Mahamat Said Abdel Kani](#), 9 December 2021, ICC-01/14-01/21-218-Red, para. 35 (the '*Said Confirmation Decision*'); Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, [Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman \('Ali Kushayb'\)](#), 9 July 2021, ICC-02/05-01/20-433, para. 34 (the '*Abd-Al-Rahman Confirmation Decision*').

27. The evidentiary standard applicable at this stage of proceedings is lower than that required at trial and is met if the Prosecution offers concrete and tangible proof demonstrating a clear line of reasoning underpinning the charges.<sup>55</sup> The Appeals Chamber has held that:

[i]n determining whether to confirm charges under article 61 of the Statute, the Pre-Trial Chamber may evaluate ambiguities, inconsistencies and contradictions in the evidence or doubts as to the credibility of witnesses. Any other interpretation would carry the risk of cases proceeding to trial although the evidence is so riddled with ambiguities, inconsistencies, contradictions or doubts as to credibility that it is insufficient to establish substantial grounds to believe the person committed the crimes charged.<sup>56</sup>

28. At the same time, the Pre-Trial Chamber, by the very design of the pre-trial proceedings, is not in a position to conclusively determine issues relating to the probative value of evidence, including with respect to the credibility of witnesses, whose declarations are, as a rule, brought before it only in written form. Indeed, as also indicated by the Appeals Chamber, ‘the Pre-Trial Chamber’s determinations will necessarily be presumptive’, and the Pre-Trial Chamber ‘should take great care in finding that a witness is or is not credible’,<sup>57</sup> as the credibility of witnesses can only be properly addressed at trial.<sup>58</sup>

29. In that regard, the Chamber notes that during the Confirmation Hearing the Defence submitted arguments regarding the ‘general reliability’ of witness statements and other ‘weakness[es] in the evidence’ relied upon by the Prosecution.<sup>59</sup> While the Chamber, as noted above, is not in a position to engage in a detailed assessment of the credibility of witnesses,<sup>60</sup> the Chamber considers it appropriate to address two of the ‘weakness[es] in the evidence’ alleged by the Defence which appear relevant to clarify the Chamber’s assessment of the probative value of some of the evidentiary material. In the Defence’s submission, some of the evidentiary material comprises (i) hearsay evidence; and/or (ii) statements of ‘self-confessed murderers [...] taken by the Prosecution’s investigators with the assurance of limited use,

<sup>55</sup> See [Abd-Al-Rahman Confirmation Decision](#), para. 37.

<sup>56</sup> [The Prosecutor v. Callixte Mbarushimana, Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I of 16 December 2011 entitled “Decision on the confirmation of charges”](#), 30 May 2012, ICC-01/04-01/10-514, para. 46 (the ‘Mbarushimana Appeal Judgment’).

<sup>57</sup> [Mbarushimana Appeal Judgment](#), para. 48.

<sup>58</sup> See also [Transcript of 27 February 2026 Hearing](#), p. 20, lines 10-21.

<sup>59</sup> [Transcript of 26 February 2026 Hearing](#), p. 45, lines 14-15, p. 51, line 4 – p. 58, line 22; [Transcript of 27 February 2026 Hearing](#), p. 3, line 9 – p. 10, line 4, p. 11, line 24 – p. 18, line 12, p. 42, lines 6-23, p. 46, lines 8-12.

<sup>60</sup> See [Transcript of 26 February 2026 Hearing](#), p. 45, lines 14-15. *Contra* Defence submissions ‘on conflicting statements emanating from two or more witnesses testifying to the same event, some contradicting one another, some contradicting even themselves’: [Transcript of 26 February 2026 Hearing](#), p. 51, lines 15-17, p. 52, line 23 – p. 53, line 16, p. 55, line 17 – p. 56, line 1, p. 56, lines 14-19, p. 58, lines 10-22; [Transcript of 27 February 2026 Hearing](#), p. 13, lines 2-12, p. 15, lines 18-24.

namely, that anything self-incriminating would not be used against them in proceedings at the ICC’, which means that they cannot serve as the main evidence against a suspect.<sup>61</sup>

30. At the outset, the Chamber recalls that, pursuant to article 69(4) of the Statute and rule 63(2) of the Rules, the Chamber enjoys discretion ‘to assess freely all evidence submitted in order to determine its relevance’, including hearsay evidence and evidence derived from witnesses benefiting from agreements on statements of limited use from the Prosecution. Concerning the Defence’s first argument that some witness statements are allegedly hearsay evidence, the Chamber recalls that ‘the fact that evidence is hearsay does not necessarily deprive it of probative value, but does indicate that the weight or probative value afforded to it may be less, “although even this will depend upon the infinitely variable circumstances which surround hearsay evidence”’.<sup>62</sup> Regarding the Defence’s second argument, the Chamber considers that the possible involvement of witnesses in criminal activities or the commission of the charged crimes does not *per se* ‘automatically render them unreliable and/or not credible, such that their evidence should be excluded or provided a lower probative value’.<sup>63</sup> Moreover, witnesses benefiting from agreements on statements of limited use from the Prosecution are clearly and explicitly told in such agreements that their obligation is to tell the truth and that failing to do so, e.g. by knowingly making false statements or intentionally seeking to mislead the Prosecution, would render void the agreement not to use these witnesses’ statements as evidence against them in proceedings before the Court.<sup>64</sup>

31. Accordingly, the Chamber finds that there is no procedural bar in the Court’s legal framework to the introduction of or reliance upon evidence allegedly constituting hearsay or that of insider witnesses benefiting from agreements on statements of limited use. Rather, the probative value of these types of evidence is assessed by the Chamber holistically and on a

<sup>61</sup> [Transcript of 26 February 2026 Hearing](#), p. 46, line 7 – p. 49, line 5.

<sup>62</sup> Appeals Chamber, *The Prosecutor v. Mathieu Ngudjolo Chui*, [Judgment on the Prosecutor’s appeal against the decision of Trial Chamber II entitled “Judgment pursuant to article 74 of the Statute”](#), 7 April 2015, ICC-01/04-02/12-271-Corr, para. 226. *See also* Appeals Chamber, *The Prosecutor v. Jean-Pierre Bemba et al.*, [Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute”](#), 8 March 2018, ICC-01/05-01/13-2275-Red (the ‘*Bemba et al.* Appeal Judgment’), para. 874.

<sup>63</sup> *See e.g.* Pre-Trial Chamber II, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, [Decision on the Confirmation of Charges Pursuant to Article 61\(7\)\(a\) and \(b\) of the Rome Statute](#), 23 January 2012, ICC-01/09-01/11-373, para. 92.

<sup>64</sup> *See* Trial Chamber V(B), *The Prosecutor v. Uhuru Muigai Kenyatta*, [Decision on Defence application for a permanent stay of the proceedings due to abuse of process](#), 5 December 2013, ICC-01/09-02/11-868-Red, para. 94.

case-by-case basis, in light of the abovementioned guiding principles and as considered appropriate for its determination in respect of the charges.

32. The confirmation of charges proceedings also ensure that the parameters of the case are set for trial and that the charges are clear and properly formulated, both factually and legally, in compliance with article 74(2) of the Statute and regulation 52 of the Regulations of the Court. They may also resolve procedural issues (such as those raised pursuant to rule 122(3) of the Rules) and thus, if charges are confirmed, contribute to the orderly and expeditious conduct of the proceedings before the Trial Chamber.<sup>65</sup>

33. While noting the suspect's right to be informed in detail of the nature, cause and content of any charge brought against him, pursuant to article 67(1)(a) of the Statute, it is critical that the charges do not contain unnecessary details that could be too specific and limiting at trial. The rationale for this is that, even when the evidence presented at the confirmation stage adequately supports these details, such matters can only be properly determined on the basis of the full evidentiary record as established at trial, once the parties have presented their cases and have had the opportunity to challenge the evidence. Because of the limitations inherent in its statutory role, and the Prosecution's prerogative to expand and vary the evidentiary basis relied upon following confirmation and until the deadline to be set by the Trial Chamber, the Pre-Trial Chamber is not in a position to conclusively determine all such details.

34. Therefore, the Chamber considers it appropriate to adopt a flexible approach in respect of the details of the charges brought against Mr Duterte, such as the timing, location, and names of victims, of some of the charged incidents listed in the DCC.<sup>66</sup> Whenever the relevant evidentiary basis allows the Chamber to conclude, to the relevant standard, that the Prosecution's allegations that the (attempted) murders of identifiable victims took place at or around the time and place alleged, the Chamber will confirm the charges as formulated. This

---

<sup>65</sup> See [Kony Confirmation Decision](#), para. 39; [Said Confirmation Decision](#), paras 36-37; [Abd-Al-Rahman Confirmation Decision](#), paras 35-36. See also [Abd-Al-Rahman Article 61\(9\) Decision](#), para. 16; [Said Article 61\(9\) Decision](#), para. 13. In this regard, the Chamber acknowledges the Defence's argument concerning the 'general fairness and objectivity of the investigation' (see [Transcript of 23 February 2026 Hearing](#), p. 38, line 18 – p. 41, line 10). Noting that the Defence merely referred to related circumstances in its introductory remarks and did not make further submissions or seek any relief in this regard, the Chamber does not deem it necessary to address this argument in the present decision.

<sup>66</sup> *Contra* Defence's assertion at the Confirmation Hearing that 'some of the victims are unidentified, making it virtually impossible for the Defence to pursue its own lines of inquiry' ([Transcript of 26 February 2026 Hearing](#), p. 51, lines 10-12). See also [Lubanga Appeal Judgment](#), para. 123; Appeals Chamber, *The Prosecutor v. Dominic Ongwen, Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled "Trial Judgment"*, 15 December 2022, ICC-02/04-01/15-2022-Red, paras 272-275.

includes those instances where inconsistencies as regards minor factual details are detected in the evidence specifically referred to as supporting the relevant allegation. These details are to be considered as indicative; additional elements may become available to the Trial Chamber at a subsequent stage, allowing a more precise determination without exceeding the facts and circumstances of the charges.

35. This approach also applies to the figures included in any charges that are confirmed such as the number of incidents and victims. In line with the Prosecution's Clarification as to the scope of the case brought against Mr Duterte,<sup>67</sup> figures included in any charges that are confirmed will mirror the Chamber's assessment of the relevant supporting evidence before it. Accordingly, they will not be definitive and generally do not constitute an obstacle for the Trial Chamber to come to a different count, based upon its comprehensive assessment of the totality of the evidence, without this amounting to an amendment of the charges.<sup>68</sup>

36. Finally, the specific function of the confirmation proceedings recalled above also calls for a style and structure of the decision under article 61(7) of the Statute which is as concise, simple and straightforward as possible, especially in light of the principle that the confirmation hearing is not, and should not be seen as, or become, a 'mini-trial' or 'a trial before the trial'.<sup>69</sup> The adequacy of the reasoning, including for the purpose of possible challenges, is not to be measured by the number of pages, the items specifically referred to or the presence of footnotes. Rather, it is to be assessed against the clarity and precision of the illustration of the principles guiding the Chamber's assessment of the evidence, as well as the existence of specific references to individual, relevant items of evidence where necessary and appropriate.

37. By providing, throughout its reasoning, appropriately specific references to the nature and content of the evidence retained as instrumental to its assessment, as well as to the relevant factual and legal elements if necessary, the Chamber meets its duty to provide adequate reasoning for its determination of the extent to which the charges brought by the Prosecution should be confirmed. As noted above, the fundamental determination that the Pre-Trial Chamber must make in the decision confirming the charges pursuant to article 61(7) of the

---

<sup>67</sup> See [Prosecution's Clarification](#) and paragraph 14 above.

<sup>68</sup> See paragraphs 14-24 above.

<sup>69</sup> Pre-Trial Chamber I, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, [Decision on the confirmation of charges](#), 30 September 2008, ICC-01/04-01/07-717, para. 64; Pre-Trial Chamber I, *The Prosecutor v. Bahr Idriss Abu Garda*, [Decision on the Confirmation of Charges](#), 8 February 2010, ICC-02/05-02/09-243-Red, para. 39. See also [Kony Confirmation Decision](#), para. 54; [Said Confirmation Decision](#), para. 42; [Abd-Al-Rahman Confirmation Decision](#), para. 40.

Statute concerns, and is limited to, the existence of substantial grounds to believe that the person committed the crimes charged. Accordingly, there is no reason for the Chamber to enter separate findings of fact or of law in the confirmation decision, and in the present case the Chamber has therefore refrained from doing so.

### C. Individual criminal responsibility

38. The Prosecution requests the Chamber to confirm cumulative and/or alternative modes of liability, pursuant to the following articles of the Statute: 25(3)(a) (indirect co-perpetration); 25(3)(b) (ordering and/or inducing); and/or 25(3)(c) (aiding and abetting).

39. As a corollary of the Pre-Trial Chamber's inherently limited role, as set out above, the Chamber finds that, when the Prosecution presents cumulative and/or alternative modes of liability for the same conduct, and 'the evidence is sufficient to sustain each of th[os]e alternative forms of responsibility', it is appropriate that the charges be confirmed with the various alternatives set out;<sup>70</sup> it will be for the Trial Chamber to determine which of those alternatives, if any, is established to the applicable standard of proof at trial. It is not the function of the confirmation decision to provide a conclusive determination of the charged crimes, and this also applies to the specific determination of the mode of the suspect's responsibility.<sup>71</sup> Furthermore, confirming 'the different applicable alternative legal characterisations on the basis of the same facts may also reduce future delays at trial and provides early notice to the defence of the different legal characterisations that may be considered by the trial judges',<sup>72</sup> thus contributing to judicial economy.<sup>73</sup>

40. Accordingly, the Chamber will address each of the modes of liability as alleged by the Prosecution, assess the supporting evidence in light of the elements relevant to each of them pursuant to article 25 of the Statute, and confirm all those modes of liability which it finds to be adequately supported by the evidence before it. In so doing, the Chamber will bear in mind the Appeals Chamber's jurisprudence to the effect that, for the requirement of sufficient notice

---

<sup>70</sup> Pre-Trial Chamber II, *The Prosecutor v. Dominic Ongwen*, [Decision on the confirmation of charges against Dominic Ongwen](#), 23 March 2016, ICC-02/04-01/15-422-Red, para. 35 (the 'Ongwen Confirmation Decision'). See also [Kony Confirmation Decision](#), para. 50.

<sup>71</sup> [Abd-Al-Rahman Confirmation Decision](#), para. 17; [Said Confirmation Decision](#), para. 14. See also [Kony Confirmation Decision](#), para. 50.

<sup>72</sup> [Ongwen Confirmation Decision](#), para. 35. See also [Kony Confirmation Decision](#), para. 51.

<sup>73</sup> See Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, [Decision on the confirmation of charges against Laurent Gbagbo](#), 12 June 2014, ICC-02/11-01/11-656-Red, para. 227 and earlier precedents included in the footnote thereto. See also [Kony Confirmation Decision](#), para. 51.

to be met, it suffices that the charges ‘set out the exact sub-provision applicable in article 25 of the Statute and the specific form of participation within that sub-provision’, and ‘give notice to the accused of the material facts associated with his or her particular form of participation’.<sup>74</sup> When more than one mode of liability is mentioned in any charges that are confirmed, linked by the conjunction ‘and/or’, this will be as a result of the Chamber having considered and having been satisfied that each of those modes is supported by a specific, distinct factual allegation relating to the conduct underlying that particular charge and that the standard applicable at confirmation is met for each of those modes. This is of course without prejudice to the power of the Trial Chamber to come to a different determination, in light of its own assessment and analysis of the case.

### 1. Indirect co-perpetration pursuant to article 25(3)(a) of the Statute

41. The Prosecution charges Mr Duterte with indirect co-perpetration pursuant to article 25(3)(a) of the Statute based upon the allegation that Mr Duterte ‘and his co-perpetrators shared a common plan or agreement to ‘neutralise’ alleged criminals in the Philippines [...] through violent crimes including murder’.<sup>75</sup>

42. The commission of crimes through indirect co-perpetration requires two objective elements. First, the existence of a common plan between the suspect and one or more other persons to commit the crimes or to engage in conduct which, in the ordinary course of events, would result in the commission of the crimes. Such common plan may be express or implied, previously arranged or materialising extemporaneously.<sup>76</sup> It is not required that the common plan be specifically directed at the commission of a crime; it suffices that the common plan contains a critical element of criminality, which means that in the context of the specificities of the case it was virtually certain that the implementation of the common plan would lead to the commission of the alleged crimes.<sup>77</sup> Contrary to the Defence’s assertion,<sup>78</sup> it is thus not

<sup>74</sup> *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Judgment on the appeal of Mr Alfred Yekatom against the decision of Trial Chamber V of 29 October 2020 entitled ‘Decision on motions on the Scope of the Charges and the Scope of Evidence at Trial’](#), 5 February 2021, ICC-01/14-01/18-874, paras 1, 43.

<sup>75</sup> [DCC](#), para. 4. See also [Transcript of 24 February 2026 Hearing](#), p. 27, line 10 – p. 34, line 4.

<sup>76</sup> See [Lubanga Appeal Judgment](#), para. 445; Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, [Judgment](#), 8 July 2019, ICC-01/04-02/06-2359 (the ‘*Ntaganda* Trial Judgment’), para. 776; Trial Chamber I, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)*, [Trial Judgment](#), 6 October 2025, ICC-02/05-01/20-1240 (the ‘*Abd-Al-Rahman* Trial Judgment’), para. 795. *Contra* Defence submissions in [Transcript of 26 February 2026 Hearing](#), p. 15, line 20 – p. 16, line 7, p. 19, lines 7-12.

<sup>77</sup> See [Lubanga Appeal Judgment](#), para. 451; [Ntaganda Trial Judgment](#), para. 776.

<sup>78</sup> [Transcript of 26 February 2026 Hearing](#), p. 42, line 4 – p. 43, line 8.

required that the implementation of the common plan led to the killing or attempted killing of all individuals targeted pursuant to that common plan. Rather, it suffices that the execution of the common plan rendered the commission of the crimes charged (murder and attempted murder) virtually certain in the ordinary course of events.

43. Second, the commission of crimes through indirect co-perpetration also requires the control of the members of the common plan over a person or persons who execute the material elements of the crimes by subjugating the will of the direct perpetrators. In this context, the suspect must make a contribution to the common plan of such significance as to confer control over the crimes to him or her.<sup>79</sup> The contributions of the suspect to the common plan as a whole must amount to an essential contribution to the crimes within the framework of the common plan such that, without it, ‘the crime could not have been committed or would have been committed in a significantly different way’.<sup>80</sup> A co-perpetrator can make an essential contribution to the common plan at any stage, including the execution stage, the planning and preparation stage, and the stage when the common plan is conceived.<sup>81</sup> As such, the Defence’s assertion that the alleged crimes continued even after the suspect stepped down as President of the Philippines, and that there is ‘no reason to believe that Duterte’s disappearance from the political scene would have frustrated the ongoing incidents of murder’, is irrelevant to the determination of whether Mr Duterte made an essential contribution to the common plan.<sup>82</sup>

## 2. Ordering and/or inducing pursuant to article 25(3)(b) of the Statute

44. The Prosecution also charges Mr Duterte with ordering/inducing pursuant to article 25(3)(b) of the Statute alleging that Mr Duterte ‘ordered members of the DDS and the National Network, [...] to commit the crimes in Counts 1 to 3’ and that he ‘induced members of the DDS and the National Network to commit the crimes in Counts 1 to 3’, exerting ‘influence over the members of the DDS and the National Network, prompting them to commit the relevant crimes’.<sup>83</sup>

<sup>79</sup> See [Lubanga Appeal Judgment](#), paras 469, 473.

<sup>80</sup> [Ntaganda Appeal Judgment](#), paras 1060, 1064; [Bemba et al. Appeal Judgment](#), paras 820, 825.

<sup>81</sup> See [Ntaganda Appeal Judgment](#), para. 1066; [Bemba et al. Appeal Judgment](#), paras 810, 819. See also Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, [Trial Judgment](#), 4 February 2021, ICC-02/04-01/15-1762-Red, para. 2787.

<sup>82</sup> [Transcript of 26 February 2026 Hearing](#), p. 38, line 16 – p. 39, line 11.

<sup>83</sup> [DCC](#), paras 11, 13.

45. The commission of crimes through ordering requires that: (a) the person is in a position of authority; (b) the person instructs another person in any form to either: (i) commit a crime which in fact occurs or is attempted or (ii) perform an act or omission in the execution of which a crime is carried out; and (c) the order had a direct effect on the (attempted) commission of the crime.<sup>84</sup> Contrary to the Defence's assertion,<sup>85</sup> there is no requirement that an order be given in writing or in any particular form, and the existence of an order may be proven through circumstantial evidence. Therefore, 'ordering' may be inferred from a variety of factors, such as the number of criminal acts; the number, identity and type of physical perpetrators involved; the effective command and control exerted by the suspect over the physical perpetrators; the logistics involved; the widespread occurrence of the criminal acts; the tactical tempo of operations; the *modus operandi* of similar acts; the involvement of other actors; the location of the suspect at the time; and the suspect's knowledge of criminal acts committed under their authority.<sup>86</sup>

46. As to the commission of crimes by inducing, this requires that: (a) the person exerts influence over another person to either commit a crime which in fact occurs or is attempted, or to perform an act or omission as a result of which a crime is carried out; and (b) the inducement has a direct effect on the commission or attempted commission of the crime.<sup>87</sup>

### 3. Aiding and abetting pursuant to article 25(3)(c) of the Statute

47. Finally, the Prosecution charges Mr Duterte with aiding and abetting pursuant to article 25(3)(c) of the Statute based upon the allegation that Mr Duterte 'aided, abetted or otherwise assisted members of the DDS and the National Network to commit the crimes in Counts 1 to 3' and that he 'facilitated and/or provided moral encouragement for the relevant crimes'.<sup>88</sup>

48. The Chamber recalls that the term 'aids' entails the giving of practical or material assistance, while the term 'abets' refers to moral or psychological assistance which the accessory gives to the principal by encouraging, or being sympathetic to, the commission of

---

<sup>84</sup> See Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, [Decision Pursuant to Article 61\(7\)\(a\) and \(b\) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda](#), 9 June 2014, ICC-01/04-02/06-309 (the 'Ntaganda Confirmation Decision'), para. 145.

<sup>85</sup> [Transcript of 26 February 2026 Hearing](#), p. 13, lines 2-23, p. 44, lines 8-13.

<sup>86</sup> See [Abd-Al-Rahman Trial Judgment](#), para. 804.

<sup>87</sup> See [Ntaganda Confirmation Decision](#), para. 153. See also Trial Chamber VII, *The Prosecutor v. Jean-Pierre Bemba et al.*, [Judgment pursuant to Article 74 of the Statute](#), 19 October 2016, ICC-01/05-01/13-1989-Red (the 'Bemba et al. Trial Judgment'), paras 75-81.

<sup>88</sup> [DCC](#), para. 15.

the particular offence. The encouragement or support demonstrated need not be explicit.<sup>89</sup> Moreover, contrary to the Defence's argument that the assistance or encouragement needs to substantially affect the commission of the crime,<sup>90</sup> the Chamber observes that article 25(3)(c) of the Statute does not require the suspect's contribution to reach a specific threshold,<sup>91</sup> but rather only requires that the assistance in the (attempted) commission of the crime be provided for the purposes of facilitating such commission, without indicating whether the conduct must also have had an effect on the commission of the offence. While the effect of facilitating or furthering the commission of the crime is indicative of the person's assistance in its commission, it is not a necessary requirement.<sup>92</sup>

### III. THE CHAMBER'S ASSESSMENT OF THE EVIDENCE

49. The Chamber has analysed the evidentiary material relied upon by the Prosecution and referenced in the PCB, following the structure of the DCC, as well as the evidence cited at the Confirmation Hearing by both the Prosecution and the Defence.<sup>93</sup> However, in light of the specific scope and purpose of this stage of the proceedings, and also to avoid any pre-determination of issues or pre-adjudication regarding the probative value of evidence, this decision only addresses what the Chamber considers necessary and sufficient for its determination of the extent to which the charges brought by the Prosecution should be confirmed – namely, whether there is sufficient evidence to establish substantial grounds to believe that Mr Duterte committed the crimes charged and therefore whether the case brought by the Prosecution warrants a trial.

50. More specifically, the Chamber will only refer to those items of evidence which it considers necessary to show the line of reasoning underpinning its conclusions. While the Chamber has engaged in an overall assessment of the entire evidentiary basis relied upon by the Prosecution and the Defence, including with a view to detecting inconsistencies, ambiguities, contradictions or other weaknesses which would result in the allegations not being supported to the relevant standard,<sup>94</sup> an assessment as to each and every item of evidence, or

---

<sup>89</sup> See Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz ag Mohamed ag Mahmoud*, [Trial Judgment](#), 26 June 2024, ICC-01/12-01/18-2594-Red, paras 1221-1222.

<sup>90</sup> [Transcript of 26 February 2026 Hearing](#), p. 44, lines 22-25.

<sup>91</sup> *Bemba et al. Trial Judgment*, para. 93.

<sup>92</sup> *Bemba et al. Appeal Judgment*, para. 1327.

<sup>93</sup> See also Prosecution's List of Evidence and Defence's List of Evidence.

<sup>94</sup> Pre-Trial Chamber I, *The Prosecutor v. Callixte Mbarushimana*, [Decision on the confirmation of charges](#), 16 December 2011, ICC-01/04-01/10-465-Red, paras 45-47; [Mbarushimana Appeal Judgment](#), paras 1, 37-49.

of each and every item's admissibility and/or probative value, is not warranted and would only create the risk of inappropriately pre-determining evidentiary matters, without furthering or contributing to the specific task vested in the Pre-Trial Chamber at this stage.

51. In line with this approach, the Chamber considers it appropriate to address two specific arguments raised by the Defence during the Confirmation Hearing which could affect the Chamber's overall assessment of the evidence: (i) the presence of instructions and references regarding self-defence and respect for human rights in official documents and public speeches; and (ii) the meaning of the word 'neutralise' appearing in the adduced evidence in the context of the present case.

52. With regard to the first argument, the Chamber notes that the speeches of the suspect and his alleged co-perpetrators, as well as a number of official documents, are relied upon by the Prosecution to support allegations regarding the existence of a policy, a common plan, and the suspect's essential contributions to the common plan and intent. The Chamber further acknowledges, as does the Prosecution,<sup>95</sup> that some of these speeches and documents also contain exhortations directed at the physical perpetrators of the alleged crimes to use lethal force only if required in self-defence and to carry out law enforcement operations within the boundaries of the law and/or in compliance with human rights standards.<sup>96</sup> However, the Chamber considers that such declaratory language cannot be assessed in isolation and must be interpreted in light of all relevant factual circumstances, the broader pattern of conduct established by the evidence, and the suspect's knowledge at the relevant time. The Chamber finds that the mere inclusion of references to lawful conduct is not, in and of itself, determinative of the legal characterisation of the facts or the suspect's intent.

53. In the present case, the Chamber notes that the references to self-defence and lawful conduct in a number of public speeches and official documents were contained in the same speeches and official documents that included explicit instructions to carry out unlawful killings.<sup>97</sup> They were also made while extra-judicial killings were allegedly being carried out, and as direct perpetrators were allegedly financially rewarded to kill.<sup>98</sup> At times, these

---

<sup>95</sup> [Transcript of 27 February 2026 Hearing](#), p. 21, lines 12-22, p. 24, line 12 – p. 25, line 2.

<sup>96</sup> [Transcript of 23 February 2026 Hearing](#), p. 36, line 4 – p. 37, line 17; [Transcript of 26 February 2026 Hearing](#), p. 3, line 22 – p. 6, line 12, p. 20, line 15 – p. 21, line 2.

<sup>97</sup> See paragraphs 87-88 below.

<sup>98</sup> See paragraphs 87, 92, 98 below.

speeches<sup>99</sup> trivialised the distinction between lawful self-defence and unlawful killing by expressly stating that individuals should be killed irrespective of whether they posed a threat. Therefore, the Chamber considers that, when considered in light of the broader factual and evidentiary context, such references to self-defence and lawful conduct do not undermine the factual allegations put forward by the Prosecution. Similarly, while the Chamber takes into consideration the fact that some witnesses described killings as being carried out in self-defence<sup>100</sup> or at random,<sup>101</sup> this does not affect the Prosecution's allegations regarding the existence and the criminal nature of the policy and of the common plan. Indeed, the existence of a criminal policy in the present case does not preclude that certain killings may have been carried out lawfully or at random alongside the implementation of that policy.

54. As to the second argument, the Chamber notes the Defence's assertion that the word 'neutralise' as found in the evidence relevant to this case 'denotes lawful restraint'<sup>102</sup> and was articulated 'as lawful incapacitation through arrest and related measures, not as a policy of killings'.<sup>103</sup> While acknowledging that 'neutralise' could, in the abstract, refer to lawful law enforcement actions,<sup>104</sup> or that some witnesses may have understood it in this way,<sup>105</sup> the Chamber considers that, as further developed below,<sup>106</sup> there is sufficient evidence to establish that 'neutralise' meant 'to kill' in the context of the present case.

#### **A. Contextual elements of crimes against humanity**

55. The Prosecution submits that a widespread and systematic attack against the civilian population in the Philippines was carried out '[f]rom at least 1 November 2011 to 16 March 2019' (the 'Relevant Period'),<sup>107</sup> during the period that Mr Duterte was Mayor or Vice Mayor of Davao City (the 'Mayoral Period'),<sup>108</sup> and during the period that Mr Duterte was the

<sup>99</sup> See paragraphs 87-88 below. See also [DCC](#), paras 3-16; [PCB](#), paras 8-70.

<sup>100</sup> [Transcript of 26 February 2026 Hearing](#), p. 16, line 10 – p. 17, line 7.

<sup>101</sup> [Transcript of 26 February 2026 Hearing](#), p. 35, line 7 – p. 37, line 18.

<sup>102</sup> [Transcript of 26 February 2026 Hearing](#), p. 25, lines 13-15.

<sup>103</sup> [Transcript of 26 February 2026 Hearing](#), p. 28, lines 2-3.

<sup>104</sup> [Transcript of 26 February 2026 Hearing](#), p. 25, line 22 – p. 26, line 3, p. 26, lines 18-20.

<sup>105</sup> [Transcript of 26 February 2026 Hearing](#), p. 27, lines 5-22.

<sup>106</sup> See paragraph 87 below.

<sup>107</sup> [DCC](#), paras 17, 19, 22-23; [PCB](#), paras 71-76, 85-86.

<sup>108</sup> [DCC](#), para. 1; [PCB](#), paras 3, 5-6. The Prosecution alleges that, during the period covered by the charges in this case, Mr Duterte was Vice Mayor of Davao City from 1 November 2011 to 30 June 2013; and Mayor of Davao City from 30 June 2013 to 30 June 2016. See also paragraphs 76, 78, 80 below.

President of the Philippines (the ‘Presidential Period’).<sup>109</sup> During the Mayoral Period, the attack was allegedly carried out by the Davao City police and paid non-police hitmen, who together comprised the Davao Death Squad (the ‘DDS’),<sup>110</sup> and, during the Presidential Period, by the ‘National Network’, which comprised ‘law enforcement personnel with non-police assets and hitmen under their direction and/or control’.<sup>111</sup> The Prosecution further alleges that: (i) the attack was carried out pursuant to a State or organisational ‘policy to “neutralise” through violent crimes, including murder, alleged criminals in the Philippines who were perceived or alleged to be involved in drug-related (including production, sale and use) and other crimes (such as theft and murder)’;<sup>112</sup> and (ii) the conduct of Mr Duterte and/or the perpetrators from the DDS and the National Network was ‘committed as part of this widespread and systematic attack against a civilian population’, and they knew and intended that their conduct was part of the attack.<sup>113</sup>

56. The Prosecution relies upon the following evidence: (i) the statements of insider Witnesses ([REDACTED], P-0002, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]) and other Witnesses ([REDACTED], [REDACTED], [REDACTED], [REDACTED]); (ii) documents of the government of the Philippines; (iii) videos of speeches and interviews of Mr Duterte and his alleged co-perpetrators with related transcripts and translations; (iv) open source reports and news articles; and (v) other documentary materials.

57. The evidence relied upon by the Prosecution, in particular the statements of the Witnesses listed above, videos of speeches and interviews of Mr Duterte and his alleged co-perpetrators, and documents of the government of the Philippines, as well as other contemporaneous open source documents, describes in detail the existence of a course of conduct involving the multiple commission of acts including murders and attempted murders which constituted an attack directed against a civilian population, i.e. alleged criminals in the Philippines who were perceived or alleged to be involved in drug-related and other crimes. That evidence shows that the attack was carried out by the DDS during the Mayoral Period and by the National Network

---

<sup>109</sup> [DCC](#), para. 1; [PCB](#), para. 7. The Prosecution alleges that Mr Duterte was President of the Philippines during the period covered by the charges in this case from 30 June 2016 to 16 March 2019. *See also* paragraphs 76, 79-80 below.

<sup>110</sup> [DCC](#), para. 18; [PCB](#), paras 71-72.

<sup>111</sup> [DCC](#), para. 18; [PCB](#), paras 73-76.

<sup>112</sup> [DCC](#), paras 20-21; [PCB](#), paras 77-84.

<sup>113</sup> [DCC](#), para. 24; [PCB](#), para. 86.

during the Presidential Period,<sup>114</sup> which led to the frequent commission of criminal acts over a lengthy period of time, resulting in a large number of victims across a broad geographical area. The existence of a widespread attack is therefore sufficiently established by the above evidence to the relevant standard, including when read together with the evidence underpinning the 76 murders and two attempted murders charged in the DCC which are alleged to represent some of the acts constituting the attack.

58. The Chamber emphasises that it has looked at the above evidence cited by the Prosecution in its PCB and at the Confirmation Hearing as a whole. It therefore cannot accept the individual challenges that the Defence put forward at the Confirmation Hearing in respect of the widespread nature of the attack,<sup>115</sup> in particular noting that its consideration of ‘NGO reports, academic statistics and media articles’<sup>116</sup> – which are included within the Chamber’s above reference to ‘open source documents’ – formed only a part of its overall consideration, alongside the other primary evidence (including the statements of Witnesses, Mr Duterte’s speeches and government documents) to which the Chamber has referred. It is clarified that nothing in the relevant legal provisions nor the jurisprudence of the Court prevents the Chamber from considering open source evidentiary materials in its assessment of the charges.

59. The above evidence, together with the evidentiary items relied upon by the Prosecution in relation to the allegations concerning the individual incidents and Mr Duterte’s individual criminal responsibility below, in particular the section specifically addressing Mr Duterte’s conduct and contributions, also shows that the attack was systematic. It occurred pursuant to the State or organisational policy addressed below, further to a hierarchical structure, which Mr Duterte headed, and the features of the killings generally followed a similar pattern, which included: (i) Mr Duterte, his alleged co-perpetrators or other State actors identifying victims as alleged drug users, pushers or other criminals; (ii) the identity or whereabouts of the victims being provided to the direct perpetrators; (iii) the direct perpetrators targeting and killing or

---

<sup>114</sup> Based upon the evidence, and in line with the requirement for the charges to be specific as elaborated at paragraph 18 above, the Chamber cannot confirm the allegation of the Prosecution that the attack was carried out ‘predominantly’ by the DDS or that the National Network was ‘predominantly’ comprised of law enforcement personnel with non-police assets and hitmen under their direction and/or control (*see* DCC, para. 18; PCB, paras 71-76). The use of the word ‘predominantly’ renders the alleged group of perpetrators insufficiently identifiable. For that reason, the Chamber has deleted the two occasions on which the word ‘predominantly’ appears in paragraph 18 of the DCC, as well as the words ‘such as’ from paragraph 7 of the DCC, from the charges that are confirmed at the end of the present decision.

<sup>115</sup> [Transcript of 26 February 2026 Hearing](#), p. 6, line 21 – p. 8, line 5.

<sup>116</sup> [Transcript of 26 February 2026 Hearing](#), p. 7, lines 15-20.

attempting to kill the victims; and, (iv) after carrying out the criminal act, the direct perpetrators often being paid reward money.<sup>117</sup> The attack was therefore organised, planned and executed in a coordinated manner, sufficiently supporting the existence of the systematic nature of the attack to the requisite standard.

60. This evidence further supports the above attack having been carried out pursuant to a policy to ‘neutralise’ through violent crimes, including murder, alleged criminals in the Philippines who were perceived or alleged to be involved in drug-related and other crimes. The word ‘neutralise’ was used and understood by those involved in the operations to mean to ‘kill’.<sup>118</sup> The evidence shows that this policy was developed by Mr Duterte in Davao City and implemented as an organisational policy of the DDS during the Mayoral Period and that it was subsequently expanded to the Philippines to become a State policy in the Presidential Period.<sup>119</sup> The widespread and systematic attack was carried out pursuant to the policy which was developed, disseminated and implemented by Mr Duterte and his close associates.

61. The evidence further establishes that the individual acts charged as incidents in the DCC were carried out as a part of the attack, thereby satisfying the nexus requirement.<sup>120</sup> Furthermore, on the basis of the evidence, Mr Duterte’s knowledge and intention that his conduct was a part of the attack is sufficiently established.<sup>121</sup>

62. At the Confirmation Hearing, the Defence described the Prosecution’s definition of the targeted population as ‘muddled’, arguing that paragraphs 17-20 of the DCC alleged that Mr Duterte ‘launched an attack on the entire population of the Philippines’ whereas paragraph 21 limited the attack to ‘the alleged criminals themselves’.<sup>122</sup> This constitutes a misunderstanding of those paragraphs of the DCC, which consistently refer to the civilian

---

<sup>117</sup> [DCC](#), paras 23-24; [PCB](#), para. 86; [Transcript of 24 February 2026 Hearing](#), p. 22, line 7 – p. 23, line 13.

<sup>118</sup> See paragraph 87 below.

<sup>119</sup> The Chamber notes that the Prosecution presents two alternative allegations in paragraphs 20 and 21 of the DCC. The evidence relied upon by the Prosecution in this regard, including that submitted in support of the allegations concerning Mr Duterte’s individual criminal responsibility, establishes that the DDS had a sufficiently organised hierarchical structure and the capability to commit the attack against the civilian population. The Chamber therefore considers that the DDS’s policy pursuant to which it carried out the attack in Davao City during the Mayoral Period qualifies as an organisational policy. Further noting that this policy became a State policy of the Philippines during the Presidential Period, the Chamber considers that the evidence before the Chamber best supports the allegations in paragraph 21 of the DCC. For those reasons, the Chamber confirms the allegations in paragraph 21 of the DCC in this regard and does not confirm the alternative allegation in paragraph 20 of the DCC that the attack was carried out pursuant to a State policy during the Mayoral Period.

<sup>120</sup> See [DCC](#), para. 24; [PCB](#), paras 71-76, 85-86; paragraphs 73, 75 below.

<sup>121</sup> See [DCC](#), para. 24; [PCB](#), paras 71-76, 85-86; paragraph 100 below.

<sup>122</sup> [Transcript of 26 February 2026 Hearing](#), p. 8 lines 6-17; see also p. 8, line 18 – p. 10, line 13.

population against whom the attack was carried out as being ‘alleged criminals in the Philippines who were perceived or alleged to be involved in drug-related (including production, sale and use) and other crimes (such as theft and murder)’.<sup>123</sup> The alternatives set out by the Prosecution in paragraphs 20-21 of the DCC relate to whether the attack was carried out pursuant to a State policy throughout the Relevant Period (paragraph 20); or pursuant to an organisational policy during the Mayoral Period which became a State policy during the Presidential Period (paragraph 21). It was therefore the nature of the policy pursuant to which the attack was carried out that was put in the alternative: the Prosecution’s description of the targeted population remained identical.

63. The Defence’s arguments that followed immediately after its above misunderstanding, namely those attempting ‘to illustrate the chameleon-like nature of the Prosecution’s case theory’ by reference to the case of *The Prosecutor v. Khaled Mohamed Ali El Hishri* (the ‘*El-Hishri Case*’),<sup>124</sup> can therefore be dismissed for the above reasons alone. There was no change in the manner in which the Prosecution described the targeted population in the DCC. In any event, the Prosecution’s appeal in the *El-Hishri Case* did not turn upon the definition of the civilian population in that case; rather, the appeal was concerned with whether, for the purposes of the requirement of a nexus between the alleged criminal conduct and the attack against the civilian population pursuant to article 7 of the Statute, it was necessary for victims of the alleged underlying crimes against humanity to be members of the targeted population.<sup>125</sup> The Defence’s reliance upon it is therefore inapposite.

64. The Chamber also cannot accept the Defence’s arguments that the civilian population described in the DCC is not defined with sufficient precision and is contrary to the Court’s jurisprudence.<sup>126</sup> First, the civilian population was clearly and sufficiently defined in paragraphs 20-21 of the DCC, as set out above;<sup>127</sup> and the evidence shows that those responsible directed the attack against the civilian population that they had identified should be targeted pursuant to the policy outlined above. Second, that definition of the civilian

---

<sup>123</sup> See [DCC](#), paras 20-21.

<sup>124</sup> [Transcript of 26 February 2026 Hearing](#), p. 8, line 18 – p. 10, line 13.

<sup>125</sup> See [Transcript of 27 February 2026 Hearing](#), p. 22, lines 11-15; Appeals Chamber, *The Prosecutor v. Khaled Mohamed Ali El Hishri*, [Prosecution Appeal Brief concerning the “Warrant of Arrest for Mr Khaled Mohamed Ali El Hishri”](#) (ICC-01/11-188), 1 August 2025, ICC-01/11-01/25-14, paras 9, 40-58.

<sup>126</sup> [Transcript of 26 February 2026 Hearing](#), p. 10, line 14 – p. 12, line 6.

<sup>127</sup> See paragraph 62 above.

population in this case falls squarely within the Court’s consistent jurisprudence, which was recently set out as follows in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*:

Article 7(1) of the Statute requires that the attack must be ‘directed against any civilian population’, namely a collective, as opposed to individual civilians. By using the term ‘any’ civilian population, Article 7(1) of the Statute is not limited to populations defined by a common nationality, ethnicity, or other similar distinguishing features. There is no legal requirement that the ‘*main aim* or object of the relevant acts was to attack civilians’ as ‘[a]n attack directed against a civilian population may also serve other objectives or motives’. The question of whether the attack was directed at a civilian population is a factual issue to be assessed by the Chamber.<sup>128</sup>

65. On the facts of this case, contrary to the jurisprudence on which the Defence relies,<sup>129</sup> the allegations and evidence presented demonstrate that the attack was not directed against ‘a limited group of randomly selected persons’<sup>130</sup> or ‘merely against randomly selected individuals’.<sup>131</sup> As set out above, it was instead a widespread and systematic attack pursuant to a policy to ‘neutralise’ alleged criminals in the Philippines which led to the frequent commission of criminal acts over a lengthy period of time, resulting in a large number of victims across a broad geographical area.<sup>132</sup> In those circumstances, the Chamber is satisfied that both the number of victims and the manner in which they were targeted establishes that the attack was directed against a ‘civilian population’ within the meaning of article 7(1) of the Statute.<sup>133</sup> That article does not require the attack to have been directed against the entire civilian population of the Philippines.<sup>134</sup>

66. For all of the above reasons, the Chamber is satisfied that the contextual elements of the crimes against humanity with which Mr Duterte is charged are established to the relevant standard.

<sup>128</sup> [Abd-Al-Rahman Trial Judgment](#), para. 694 (footnotes omitted).

<sup>129</sup> [Transcript of 26 February 2026 Hearing](#), p. 11, lines 5-16.

<sup>130</sup> Pre-Trial Chamber I, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Corrected Version of “Décision relative à la confirmation des charges portées contre Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”](#), 30 September 2019, ICC-01/12-01/18-461-Corr-Red-tENG (the ‘*Al Hassan Confirmation Decision*’), para. 149.

<sup>131</sup> Pre-Trial Chamber II, *Situation in the Republic of Kenya*, [Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya](#), 31 March 2010, ICC-01/09-19-Corr (the ‘*Kenya Article 15 Decision*’), para. 81.

<sup>132</sup> See paragraphs 55-60 above.

<sup>133</sup> See [Al Hassan Confirmation Decision](#), para. 147; Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, [Judgment pursuant to Article 74 of the Statute](#), 21 March 2016, ICC-01/05-01/08-3343 (the ‘*Bemba Trial Judgment*’), para. 154; Trial Chamber II, *The Prosecutor v. Germain Katanga*, [Judgment pursuant to article 74 of the Statute](#), 7 March 2014, ICC-01/04-01/07-3436-tENG (the ‘*Katanga Trial Judgment*’), para. 1105.

<sup>134</sup> See [Kenya Article 15 Decision](#), para. 82; [Katanga Trial Judgment](#), para. 1105; [Bemba Trial Judgment](#), para. 154.

## B. Alleged crimes

67. The Prosecution alleges that Mr Duterte is criminally responsible for: (i) under Count 1, '[m]urder as a crime against humanity in Davao City during the Mayoral period of the 19 victims of Incidents 1 to 9, between 2013 and around June 2016' ('Count 1'),<sup>135</sup> (ii) under Count 2, '[m]urder as a crime against humanity of 'High-Value Targets' in locations across the Philippines during the Presidential period of the 14 victims of Incidents 10 to 14, between around July 2016 and July 2017' ('Count 2'),<sup>136</sup> and, (iii) under Count 3, '[m]urder and attempted murder as crimes against humanity in *barangay*<sup>137</sup> clearance operations in locations across the Philippines during the Presidential period of the 45 victims (43 murders and two attempted murders) of Incidents 15 to 49, between around July 2016 and September 2018' ('Count 3').<sup>138</sup>

68. In support, the Prosecution relies upon the following evidence: (i) the statements of 11 insider Witnesses ([REDACTED], P-0002, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]), seven crime-based Witnesses ([REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]), one expert Witness ([REDACTED]) and seven other Witnesses ([REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]); (ii) Philippines National Police (the 'PNP') reports relating to the alleged incidents, including (a) reports on the execution of search warrants; (b) on-site operational reports; (c) pre-operation reports; and (d) other types of specific analyses issued by the PNP such as ballistic reports, autopsy reports, toxicology screening reports and drug analysis reports (together, the 'PNP Reports'); (iii) audio-visual materials such as photographs, videos and surveillance video footage; (iv) news articles regarding the alleged incidents; (v) open source reports; and (vi) other documentary evidence.

69. With regard to Count 1, the evidence provided by insider Witnesses [REDACTED] and [REDACTED] substantiates that at least 19 persons were killed in various locations in or around Davao City between around 2013 and around June 2016, while Mr Duterte was the

<sup>135</sup> [DCC](#), paras 26-35; [PCB](#), paras 88-98.

<sup>136</sup> [DCC](#), paras 36-41; [PCB](#), paras 99-113.

<sup>137</sup> See [DCC](#), para. 5; [PCB](#), para. 7, footnote 38 ('[a] *barangay* is the smallest political and administrative unit in the Philippines').

<sup>138</sup> [DCC](#), paras 42-77; [PCB](#), paras 114-154.

Mayor of Davao City and controlled the DDS. These persons were killed by members of the DDS due to allegations of involvement in criminal activities, such as drug use, drug trafficking, or theft. The dates, locations and identities of the victims are also corroborated by additional evidentiary materials such as the statement of insider Witness P-0002 and news articles.

70. As to Count 2, the evidence provided by insider Witnesses [REDACTED], [REDACTED] and [REDACTED], expert Witness [REDACTED], crime-based Witnesses [REDACTED] and [REDACTED], and two other Witnesses [REDACTED] and [REDACTED] substantiates that at least 14 persons were killed by law enforcement personnel of the Philippines or non-police assets and hitmen who were under their direction and/or control, between around July 2016 and around July 2017, while Mr Duterte was President of the Philippines, due to allegations of involvement in criminal activities, such as drug manufacturing. The dates, locations and identities of the victims are also corroborated by additional evidentiary materials such as PNP Reports,<sup>139</sup> news articles, and audio-visual materials. The identity of the perpetrators is further corroborated by governmental documentary materials and a number of PNP Reports.<sup>140</sup>

71. Regarding Count 3, the evidence provided by insider Witnesses [REDACTED], [REDACTED], [REDACTED] and [REDACTED], expert Witness [REDACTED], crime-based Witnesses [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], and another Witness [REDACTED] substantiates that law enforcement personnel of the Philippines or non-police assets and hitmen who were under their direction and/or control killed at least 43 persons and that two additional persons who were targeted for killing survived because of circumstances independent of the perpetrators' intentions, between around July 2016 and around September 2018, while Mr Duterte was President of the Philippines, due to allegations of involvement in criminal activities, including drug trafficking. The dates, locations and identities of the victims are also corroborated by additional evidentiary materials such as PNP Reports,<sup>141</sup> news articles, photographic materials, an open-source report, video materials from TV channels, and other governmental documentary materials. The

---

<sup>139</sup> [PCB](#), paras 99-113.

<sup>140</sup> [PCB](#), paras 99-113.

<sup>141</sup> [PCB](#), paras 114-154.

identity of the perpetrators is also corroborated by further governmental documentary materials and a number of PNP Reports.<sup>142</sup>

72. Regarding the allegations of attempted murder [REDACTED], the evidence indicates that on each occasion the relevant victim [REDACTED]. The Chamber is therefore satisfied that the two victims [REDACTED] were targeted for killing by the direct perpetrators, but survived because of circumstances independent of the perpetrators' intentions within the meaning of article 25(3)(f) of the Statute.

73. With regard to the events described in Incident 40, as part of Count 3, the Chamber notes that the evidence indicates that the material elements of the alleged crime of murder are fulfilled and that the victim [REDACTED]. The Chamber considers that, in light of the specific circumstances of this incident, the relevant killing was committed as part of the widespread and systematic attack against the civilian population.<sup>143</sup> More specifically, it appears from the evidence that the victim [REDACTED] was killed to [REDACTED] and, ultimately, to ensure the furtherance of the criminal policy defined above.<sup>144</sup> In being satisfied that the required nexus between the events in Incident 40 and the attack against the civilian population has been established, the Chamber also finds it of significance that (i) the death of the victim was covered up by the same methods used in other incidents (i.e. by planting a gun, drugs and money on the victim's body in order to frame him as a criminal); and (ii) the victim's killing was publicly and expressly acknowledged as resulting from an operation carried out in pursuance of the anti-drugs campaign 'Project Double Barrel'.

74. The Chamber notes the Defence's argument raised during the Confirmation Hearing that the evidence, including documentary materials such as PNP and forensic reports, 'shows that the deaths [underlying the alleged incidents] occurred during armed confrontations in which force was used in response to an imminent threat', and that such use of force by the direct perpetrators was in accordance with Mr Duterte's authorisation of 'lethal force [...] only where life was in danger'.<sup>145</sup> However, contrary to the Defence's assertion, the evidence provided by Witnesses who were directly involved in the above incidents consistently indicates that there were no threats posed by victims to the direct perpetrators. These Witnesses, including

---

<sup>142</sup> [PCB](#), paras 114-154.

<sup>143</sup> See [Abd-Al-Rahman Trial Judgment](#), paras 702, 703.

<sup>144</sup> See paragraph 60 above.

<sup>145</sup> [Transcript of 26 February 2026 Hearing](#), p. 51, lines 13-14; [Transcript of 27 February 2026 Hearing](#), p. 3, line 24 – p. 9, line 4.

[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED], state that, after the killings were carried out, the direct perpetrators followed a similar *modus operandi*, i.e. planted drugs, money as well as guns or gun powder on or nearby the victims' bodies and, on some occasions, even fired the gun in the victim's hand to make it look as if the victim had fired shots. Insider Witnesses, such as [REDACTED], [REDACTED] and [REDACTED], further affirm that the narratives of self-defence in documentary materials, especially originating from the PNP, were 'false', 'invented' and did not correspond with what actually happened. This is also consistent with the Chamber's above determination in respect of the presence of instructions and references regarding self-defence and respect for human rights in official documents and public speeches, as well as in respect of the Prosecution's allegations regarding the existence and the criminal nature of the policy and of the common plan.<sup>146</sup>

75. Based upon the above, the objective elements of the crime of murder and attempted murder in Counts 1-3 are sufficiently established by the evidence. Therefore, the Chamber finds substantial grounds to believe that, during the Relevant Period, murders and attempted murders of persons allegedly involved in various forms of criminal activities, including drug-related ones, were committed as part of the attack carried out pursuant to the criminal policy defined above.<sup>147</sup>

### **C. Individual criminal responsibility**

#### **1. Mr Duterte's status, roles and functions**

76. The Prosecution alleges that, for much of the period from 1988 to 2016, Mr Duterte was Mayor of Davao City, and that during the Relevant Period Mr Duterte was successively Vice Mayor of Davao City (from 1 November 2011 to 30 June 2013), Mayor of Davao City (from 30 June 2013 to 30 June 2016) and President of the Philippines (from 30 June 2016 to 16 March 2019).<sup>148</sup>

77. The Prosecution relies upon the following evidence: (i) documents from the municipality of Davao City and the government of the Philippines; (ii) website pages of the government of

---

<sup>146</sup> See paragraphs 51-53 above.

<sup>147</sup> See paragraph 60 above.

<sup>148</sup> [DCC](#), para. 1; [PCB](#), paras 1-3.

the Philippines; (iii) videos of Mr Duterte's speeches with related transcripts and translations; (iv) the statements of two insider Witnesses ([REDACTED] and P-0002), as well as [REDACTED]'s book, and news articles.

78. In relation to Mr Duterte's status, roles and functions during the Relevant Period, a biography of Mr Duterte emanating from the website of an Embassy of the Philippines indicates that, since 1988, Mr Duterte has been Mayor of Davao City for seven terms, totalling more than 22 years, and that he has also served as Vice Mayor. As to the specific time periods during which Mr Duterte acted in those capacities, Witness P-0002 indicates that Mr Duterte was Mayor of Davao City from 2001 until 2016, with a gap between 2010 and 2013 when Mr Duterte was Vice Mayor of the city and his daughter was the Mayor. This timeframe is confirmed by the official webpage of the government of the Philippines mentioning that Mr Duterte's daughter was elected Mayor of Davao City in 2010 and took respite in 2013, as well as a document emanating from the Davao City government covering the period from 1 July 2013 to 30 September 2013 and mentioning Mr Duterte as Mayor during that period.

79. In addition, the Chamber considers that it is common knowledge<sup>149</sup> that Mr Duterte was the President of the Philippines between 30 June 2016 and 30 June 2022, and the Prosecution provides ample evidence, particularly in relation to his appointment of individuals to leadership positions and his public speeches transcribed by the Presidential Communications Operations Office,<sup>150</sup> that he acted in that capacity during that time period.

80. In light of the above, the Chamber considers that there are substantial grounds to believe that, during the Relevant Period, Mr Duterte was Vice Mayor of Davao City (from 1 November 2011 to 30 June 2013), Mayor of Davao City (from 30 June 2013 to 30 June 2016) and President of the Philippines (from 30 June 2016 until at least 16 March 2019).

## 2. Mr Duterte's conduct, contributions and *mens rea*

81. The Prosecution charges Mr Duterte with three counts of crimes against humanity of murder and attempted murder pursuant to articles 25(3)(a) (indirect co-perpetration)<sup>151</sup> and/or 25(3)(b) (ordering and/or inducing)<sup>152</sup> and/or 25(3)(c) (aiding and abetting) of the Statute.<sup>153</sup>

---

<sup>149</sup> See article 69(6) of the Statute.

<sup>150</sup> See paragraphs 88-99 below.

<sup>151</sup> [DCC](#), paras 3-10 and p. 17; [PCB](#), paras 8-65.

<sup>152</sup> [DCC](#), paras 11-14 and p. 17; [PCB](#), paras 66-68.

<sup>153</sup> [DCC](#), paras 15-16 and p. 17; [PCB](#), paras 69-70.

The Prosecution alleges that the crimes encompassed under Count 1 were committed between 2013 and 2016, while Mr Duterte successively held the position of Vice Mayor and Mayor of Davao City, and that the crimes encompassed under Counts 2 and 3 were committed between 2016 and 2018, when Mr Duterte was the President of the Philippines.

82. The Prosecution alleges that, between 1 November 2011 and 16 March 2019, Mr Duterte and a number of co-perpetrators shared a common plan to neutralise criminals in the Philippines (including those perceived or alleged to be associated with drug use, sale or production), through violent crimes including murder,<sup>154</sup> to which Mr Duterte made essential contributions.<sup>155</sup> According to the Prosecution, this plan began locally in Davao City<sup>156</sup> and was later expanded to the whole territory of the Philippines during Mr Duterte's presidency.<sup>157</sup> The Prosecution claims that Mr Duterte and his co-perpetrators controlled a hierarchical entity, namely the DDS in Davao City and, later, the National Network across the country, with Mr Duterte at their apex. It is the Prosecution's allegation that Mr Duterte, through *de jure* and *de facto* authority, controlled the will of physical perpetrators, who were 'fungible within the apparatus'.<sup>158</sup> According to the Prosecution, Mr Duterte's co-perpetrators included, for at least part of the Relevant Period, members of the PNP and high-ranking government officials (together, the 'Co-Perpetrators').<sup>159</sup>

83. As an alternative to indirect co-perpetration, the Prosecution alleges that Mr Duterte is responsible for ordering and/or inducing his subordinates in the DDS and at the national level to commit the crimes in Counts 1-3; and/or for aiding, abetting or otherwise assisting them to commit the crimes in Counts 1-3 by facilitating and/or providing moral encouragement for the commission of the crimes.<sup>160</sup>

84. The Prosecution relies upon the following evidence: (i) the statements of 16 insider Witnesses ([REDACTED], P-0002, [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]) and four other Witnesses ([REDACTED], [REDACTED], [REDACTED], [REDACTED]).

<sup>154</sup> [DCC](#), paras 3-4; [PCB](#), paras 8-33.

<sup>155</sup> [DCC](#), para. 9; [PCB](#), paras 44-58.

<sup>156</sup> [DCC](#), para. 5; [PCB](#), paras 34-36.

<sup>157</sup> [DCC](#), para. 7; [PCB](#), paras 39-41.

<sup>158</sup> [DCC](#), paras 6, 8; [PCB](#), paras 37-38, 42-43.

<sup>159</sup> [DCC](#), para. 4(a)-(i); [PCB](#), paras 9-23.

<sup>160</sup> [DCC](#), paras 11-16; [PCB](#), paras 66-70.

[REDACTED]); (ii) documents from the municipality of Davao City and the government of the Philippines; (iii) videos of Mr Duterte and the Co-Perpetrators' speeches and interviews with related transcripts and translations; (iv) open source reports and news articles; and (v) other documentary evidence.

85. The Chamber underscores that these proceedings concern Mr Duterte's individual criminal responsibility for the charged crimes. The evidence relating to other alleged co-perpetrators has been analysed solely for the purpose of assessing the Prosecution's allegation that Mr Duterte committed the crimes in Counts 1-3 jointly and through others. Similarly, the references to the Co-Perpetrators in this decision are limited to the extent strictly necessary to determine Mr Duterte's individual criminal responsibility. The Chamber's assessment of other individuals' roles in relation to the charged conduct shall not be interpreted as a determination of their criminal responsibility.

86. The available evidentiary material shows the existence of a common plan between Mr Duterte and his Co-Perpetrators to kill alleged criminals in the Philippines, including those perceived or alleged to be associated with drug use, sale or production, through violent crimes including murder.

87. In respect of Davao City, [REDACTED] in the late 1980s Mr Duterte, then Mayor of Davao City, recruited police officers and non-police hitmen that he personally organised into a death squad, later known as the DDS. [REDACTED] Mr Duterte personally told them that their job would be to kill drug pushers, snatchers and hold-uppers, and provided the DDS with the necessary resources, such as funds, arms and vehicles, for that purpose, which is consistent with Mr Duterte's admission in October 2024, before an inquiry committee of the Senate of the Philippines, that he had an organised death squad in Davao City. Witnesses P-0002 and [REDACTED] indicate that the word 'neutralise' meant 'to kill', which is consistent with the fact that subjects targeted on the 'PRRD list',<sup>161</sup> some of which were mentioned by Mr Duterte during his speeches, were also marked as neutralised on the day of their killing. The conclusion as to the meaning of the word 'neutralise' is not disturbed by the Defence's reliance on (i) one of the Co-Perpetrators' understanding that 'neutralise' meant 'to arrest',<sup>162</sup> despite his involvement in the creation and implementation of the alleged criminal policy; and (ii) the Supreme Court of the Philippines' non-determinative refusal to interpret 'neutralise' as

---

<sup>161</sup> 'PRRD' refers to the initials of 'President Rodrigo Roa Duterte'.

<sup>162</sup> [Transcript of 26 February 2026 Hearing](#), p. 25, lines 16-21.

meaning ‘killing’.<sup>163</sup> Moreover, in several public statements, Mr Duterte refers to his orders to shoot and kill criminals in Davao City, and the related reward system, as legitimate tools of government to prevent lawlessness, and warns drug users and pushers that he would tell the police to kill them. In other public statements, Mr Duterte indicates that, if he were to become President of the Philippines, he would stop drugs and criminality as he would tell the police and the military to go out and kill criminals.

88. The evidence further demonstrates that, once elected President of the Philippines, Mr Duterte and his Co-Perpetrators extended the scope of their common plan nationwide. In interviews and a document emanating from the Philippines Drug Enforcement Agency (the ‘PDEA’),<sup>164</sup> some of the Co-Perpetrators: (i) state that, in their fight against criminality and drugs, they would implement a scaled-up version of the ‘Davao model’ at the national level; (ii) reportedly confirm that ‘[t]he President wants to replicate and expand what is being done in Davao’; and (iii) openly threaten to kill alleged criminals. They also describe how, before 1 July 2016, they met to strategise and craft an anti-drug campaign which they referred to as ‘Double Barrel’, which was ultimately enshrined in the ‘PNP anti-illegal drugs campaign plan - Project: “Double Barrel”’ issued by one of the Co-Perpetrators, setting out guidelines for the PNP operations in support to the Barangay Drug Clearing Strategy of the government and the ‘neutralization’ of illegal drug personalities nationwide. This is also supported by the statement of insider Witness [REDACTED] who describes some of the Co-Perpetrators having discussed how Mr Duterte wanted to replicate the killings perpetrated in Davao City nationwide. Furthermore, [REDACTED] Mr Duterte, upon his election as President of the Philippines, asked [REDACTED] to identify a PNP operative who could expand the Davao model to the national level. The continued existence of the abovementioned common plan during Mr Duterte’s presidency is further demonstrated by his public statements, as well as those of his Co-Perpetrators, in which they: (i) state that they would carry out a programme to kill drug dealers; (ii) encourage the public to carry out the killings; and (iii) publicly justify violence against criminals.

---

<sup>163</sup> [Transcript of 26 February 2026 Hearing](#), p. 26, line 9 – p. 27, line 2.

<sup>164</sup> See [PCB](#), para. 21, footnote 110.

89. The evidence mentioned above and the similarity of patterns and *modus operandi*<sup>165</sup> surrounding the commission of the crimes further demonstrate that Mr Duterte and his Co-Perpetrators' actions were deliberate, planned and coordinated.

90. The evidence further shows that, according to the Constitution of the Philippines as specified by the 'Department of Interior and Local Government Act of 1990' establishing the PNP, and its subsequent amendments, Mr Duterte, as Mayor of Davao City, had formal 'operational supervision and control' over the police units in Davao City. In addition, insider Witness [REDACTED] and Witness [REDACTED] describe that, in fact, Mr Duterte controlled the police, and that 'everyone deferred to him' as the ultimate authority in Davao City. Similarly, Witness P-0002's evidence indicates that Mr Duterte sat at the top of the DDS hierarchy during his time as Vice Mayor and Mayor of Davao City. As also confirmed by the evidentiary items relied upon to support the allegations concerning the incident-based crimes, Witnesses [REDACTED], P-0002 and [REDACTED] state that some of the Co-Perpetrators under Mr Duterte would relay his orders to high-ranking police officers, referred to as 'handlers', who then would give the orders to the non-police hitmen or low-level police direct perpetrators. They also explain that Mr Duterte's order or clearance was required for the DDS members to kill in Davao City. Regarding the period during which Mr Duterte held the position of Vice Mayor of Davao City, Witness P-0002's evidence indicates that the DDS was still under Mr Duterte, and he was still informed of the targets that were cleared and that, if Mr Duterte had no objection, the target was considered 'approved'.

91. In relation to his role as President of the Philippines from 30 June 2016, the evidentiary material supports Mr Duterte being the repository of executive powers with 'general supervision over local governments' and 'control of all the executive departments, bureaus, and offices', including the PNP, the PDEA, the National Bureau of Investigation (the 'NBI') and the Bureau of Corrections (the 'BuCor'), of which the President had the power to nominate the highest ranking members. Documents emanating from the government of the Philippines, news articles and Mr Duterte's public statements demonstrate that, upon taking office, Mr Duterte appointed some of his Co-Perpetrators from Davao City to high level national positions, such as Chief of the PNP, Director of the NBI, Director General of the PDEA – the

---

<sup>165</sup> See paragraphs 59, 74 above.

lead agency enforcing anti-drug laws in the Philippines –, and the BuCor, which granted them hierarchical authority over direct perpetrators throughout the Philippines.

92. The evidence shows that, in their respective roles in Davao City and at the national level, the Co-Perpetrators appointed by Mr Duterte used their authority over direct perpetrators to ensure the commission of the crimes in furtherance of the criminal policy established with Mr Duterte. For instance, some Co-Perpetrators: (i) as detailed above, issued the ‘PNP anti-illegal drugs campaign plan’; (ii) as stated by Witnesses P-0002, [REDACTED] and [REDACTED], re-assigned direct perpetrators to different places, [REDACTED]; (iii) as described by Witness [REDACTED], released rewards to the direct perpetrators for targeted killings; and, (iv) as referred to by Witness [REDACTED], threatened witnesses of killings to ensure the release from custody of the implicated perpetrators.

93. Witnesses [REDACTED], P-0002, [REDACTED] and [REDACTED] state that, in Davao City and nationally, direct perpetrators who did not follow or acted without orders from Mr Duterte, had too much information about the DDS, tried to leave the organisation, or lost the trust of their superiors, were tortured or killed for these reasons. Witnesses [REDACTED] and [REDACTED] further mention that direct perpetrators were threatened with losing their positions if they did not kill enough people during police operations.

94. The Chamber further notes the Prosecution’s allegations that the Co-Perpetrators ‘maintained control by recruiting some physical perpetrators in circumstances in which they owed a debt to DUTERTE and/or the police’<sup>166</sup> during the Mayoral Period, and that they made ‘use of circumstances in which they could hold something over their subordinates’<sup>167</sup> during the Presidential Period. While the evidence of Witnesses [REDACTED], P-0002, [REDACTED] and [REDACTED] relied upon by the Prosecution does not expressly mention that the individuals recruited owed a debt to the Co-Perpetrators or that the Co-Perpetrators held leverage over them, it does indicate that the Co-Perpetrators took advantage of circumstances relating to those individuals in order to recruit them. The Co-Perpetrators were able to exploit their circumstances to secure the individuals’ participation and compliance with their instructions, thereby indicating the control of the Co-Perpetrators over the direct perpetrators.

---

<sup>166</sup> See [DCC](#), para. 6; [PCB](#), para. 37.

<sup>167</sup> See [DCC](#), para. 8; [PCB](#), para. 42.

95. As regards Mr Duterte's specific conduct relevant to the charges, the evidence demonstrates that Mr Duterte established and oversaw the DDS from its creation in the late 1980s until the end of June 2016, with the aim of killing criminals.<sup>168</sup> The videos and related transcripts and translations of his abundant and repeated public statements demonstrate his role in disseminating and supporting the policy to kill alleged criminals, first in Davao City and subsequently nationwide.<sup>169</sup> Mr Duterte ordered the creation of lists of individuals allegedly involved in the illegal drug trade or other forms of criminality and publicly named certain individuals, proffering death threats against them; some of these individuals were subsequently killed.<sup>170</sup> Witnesses [REDACTED], P-0002 and [REDACTED] corroborate each other in saying that DDS killing operations in Davao City could not be conducted without Mr Duterte being informed and without his authorisation, permission or 'clearance'. Mr Duterte's public statements before and during his presidency further contain clear directives and incitement to kill criminals, including drug dealers, as well as promises to protect, pardon and promote direct perpetrators involved in killings. Witness [REDACTED] states that Mr Duterte's statements encouraged him to kill a person.

96. The evidence shows that Mr Duterte provided personnel and logistical resources to further the commission of the crimes.

97. Witness [REDACTED] indicates that, during Mr Duterte's time as Mayor of Davao City, DDS members were 'ghost employees' of the city hall. This is corroborated by a Davao City government document of 2013 in which a DDS member is described as an 'Auxiliary Service Worker' assigned to the Heinous Crime and Investigation Section of the city.<sup>171</sup> Moreover, according to Witnesses P-0002 and [REDACTED], DDS members received from Mr Duterte, through their 'handler', non-government-issued firearms, ammunition, safehouses, and vehicles to be used for the killing operations, paid out of public funds allocated to Mr Duterte as Mayor of Davao City, as also admitted by Mr Duterte in a public statement. During his presidency, as noted above, Mr Duterte's position allowed him to put personnel and equipment at the disposal of the direct perpetrators.<sup>172</sup> In this regard, Witness [REDACTED] states that, to commit the killings, law enforcement personnel used their service firearms, provided by the

---

<sup>168</sup> See paragraph 87 above.

<sup>169</sup> See paragraphs 87-88 above.

<sup>170</sup> See paragraphs 70-71 above (Incidents 10, 11, 13-16, 19, 20, 23, 27, 33, 48).

<sup>171</sup> See [DCC](#), para. 48.

<sup>172</sup> See paragraph 91 above.

Department of the Interior and Local Government, which, as with other executive departments, was ultimately under the authority of Mr Duterte.

98. In his public statements, Mr Duterte also referred to and promised financial rewards for killing alleged criminals, both as Mayor of Davao City and in the lead up to his presidency in 2016. This is corroborated by Witnesses [REDACTED], P-0002, [REDACTED] and [REDACTED], who explain that law enforcement officers and DDS hitmen would receive a reward for killing alleged criminals, and by Witness [REDACTED] indicating that, during the Presidential Period, law enforcement personnel knew that extrajudicial killings would result in them being financially rewarded.

99. Additionally, evidentiary materials indicate Mr Duterte's control over the execution of the abovementioned policy,<sup>173</sup> which directly contributed to the commission of the killings. Notably, at least on one occasion in January 2017, Mr Duterte temporarily removed the PNP from the anti-drugs campaign and gave the lead role in the operation to the PDEA, in order to appease criticism regarding killings committed during anti-drugs operations. Data collected in relation to the killings associated with the national anti-drugs campaign indicates that this suspension marked the 'first sustained drop in rate of killings per night' since Mr Duterte became President in June 2016.

100. As to Mr Duterte's knowledge and intention to commit the charged crimes, the Chamber, in light of the evidence as assessed above regarding Mr Duterte's roles and conduct at the time of the commission of the alleged crimes, is satisfied to the required standard that Mr Duterte: (i) was aware of the features of the DDS and the National Network and of the factual circumstances that allowed him to exercise control – together with his Co-Perpetrators – over the actions of their members and, as a result, the charged crimes; and (ii) had intent and knowledge in relation to the charged crimes under article 30 of the Statute, in that he meant to engage in the charged conduct and intended, or was aware, that the charged crimes would be committed in the ordinary course of events as a result of his actions, which he undertook with the purpose of facilitating the commission of such crimes.

101. In light of the above, the Chamber finds that there are substantial grounds to believe that Mr Duterte is criminally responsible for the crimes charged in Counts 1-3 as an indirect co-

---

<sup>173</sup> See paragraphs 59-60 above.

perpetrator, and/or for ordering and/or inducing, and/or for aiding and abetting the commission of the crimes, pursuant to articles 25(3)(a), (b) and (c) of the Statute.

#### **IV. THE CONFIRMED CHARGES**

102. The Chamber finds it appropriate to include the charges as confirmed in the operative part of this decision. The charges are based upon the Prosecution’s DCC, from which the Chamber has deleted factual allegations which it did not consider sufficiently supported by the evidence, or added language that best reflects such evidence or that is consistent with the approach described in section II above.

#### **FOR THESE REASONS, THE CHAMBER HEREBY**

**CONFIRMS** the charges against Mr Duterte pursuant to article 61(7) of the Statute, as follows:

##### **I. THE SUSPECT: RODRIGO ROA DUTERTE**

1. DUTERTE was born on 28 March 1945 in Maasin, Southern Leyte, the Republic of the Philippines (“Philippines”). He is a national of the Philippines. For much of the period 1988 to 2016, DUTERTE was Mayor of Davao City. During the period 1 November 2011 to 16 March 2019 (“the charged period”), DUTERTE was: Vice Mayor of Davao City (from 1 November 2011 to 30 June 2013); Mayor of Davao City (from 30 June 2013 to 30 June 2016) (together, the “Mayoral period”); and President of the Philippines (from 30 June 2016 to 16 March 2019, the “Presidential period”).

##### **II. THE CHARGES**

###### **A. DUTERTE’S INDIVIDUAL CRIMINAL RESPONSIBILITY**

###### **1. Indirect co-perpetration (article 25(3)(a))**

2. DUTERTE is individually criminally responsible pursuant to article 25(3)(a) of the Rome Statute for the crimes charged in Counts 1 to 3 as he committed them as an indirect co-perpetrator.

3. At least between 1 November 2011 and 16 March 2019, DUTERTE and his co-perpetrators shared a common plan or agreement to ‘neutralise’ alleged criminals in the Philippines (including those perceived or alleged to be associated with drug use, sale or production) through violent crimes including murder (“Common Plan”). The members of the Common Plan (together, including DUTERTE: “the Co-Perpetrators”), each for at least part of the charged period, included some or all of the following:

- a. Ronald ‘Bato’ DELA ROSA (“DELA ROSA”): Mayoral period: Chief of Davao City Police (January 2012-October 2013); Presidential period: Chief of the Philippine National Police (“PNP”) (July 2016-April 2018);
- b. Vicente DANA O (“DANA O”): Mayoral period: Chief of Davao City Police (October 2013-June 2016); Presidential period: Counterintelligence Chief, PNP Directorate for Intelligence in PNP National Headquarters (July 2016-February 2017); Chief of Directorial Staff and then Deputy Director for Operations of the

- PNP Criminal Investigation and Detection Group (February 2017-November 2018); Manila Police District Director (November 2018-October 2019);
- c. Camilo CASCOLAN (“CASCOLAN”): Mayoral period: Finance Chief of Davao Region Police Office (2011-2012); Presidential period: Chief of the PNP Directorate for Operations (July 2016-April 2018); Regional Director of the National Capital Region Police Office (“NCRPO”) (April-May 2018); Chief of Staff in the PNP Office of the Chief of Directorial Staff (September 2018-October 2019);
  - d. Oscar ALBAYALDE (“ALBAYALDE”), who joined the Common Plan only in the Presidential period: Regional Director of the NCRPO (July 2016-April 2018); Chief of the PNP (April 2018-October 2019);
  - e. Christopher Lawrence ‘Bong’ GO (“Bong GO”): Mayoral period: DUTERTE’s Personal Aide and Special Assistant (1998-2016); Presidential period: DUTERTE’s Special Assistant and Chief of the Presidential Managerial Staff (June 2016-October 2018);
  - f. Dante GIERRAN (“GIERRAN”): Mayoral period: Davao Regional Director of the National Bureau of Investigation (“NBI”) (2013–2016); Presidential period: Director of the NBI (2016-2020);
  - g. Isidro LAPENÑA (“LAPENÑA”): Prior to the charged period: Davao City Police Chief (1996-1998); Presidential period: Chief of the Philippine Drug Enforcement Agency (“PDEA”) (2016-2017);
  - h. Vitaliano AGUIRRE II (“AGUIRRE”): Mayoral period: lawyer for DUTERTE and other members of the Davao Death Squad (“DDS”); Presidential period: Secretary of Justice of the Philippines (July 2016-April 2018); and
  - i. other members of the PNP and high-ranking government officials.

4. During the Mayoral period, DUTERTE, Bong GO and the above-mentioned law enforcement officials used police from Davao City and non-police hitmen (together, the DDS) to kill alleged criminals. By means of their *de jure* and/or *de facto* authority, one or more of 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, DUTERTE sat at the apex of the formal police and city structures, with legal control over the PNP units in Davao City, as well as of non-police Davao City Hall workers and *barangay* (the smallest political and administrative unit in the Philippines) officials who sometimes participated in or facilitated the crimes. The DDS followed a similarly hierarchical structure with DUTERTE at the top, as the Head of the DDS. 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. The handlers reported to a combination of police and Co-Perpetrators (in particular, DELA ROSA (2012-2013), DANA O (2013-2016), Sonny BUENAVENTURA (police officer and DUTERTE’s driver and bodyguard) and Bong GO), who in turn reported to DUTERTE. DUTERTE’s approval was required for DDS members to conduct killings in Davao City.

5. DUTERTE and his Co-Perpetrators used the DDS, including its low-level members, as tools to commit the crimes encompassed by the Common Plan. Those who did not follow orders risked being killed and were disposed of when perceived as opposing or posing a threat to the Common Plan, however insignificant. The Co-Perpetrators’ power over the physical perpetrators was such that the latter felt they had no choice but to obey. DUTERTE recruited individuals he could trust and control for the DDS, with DUTERTE personally inducting some DDS hitmen. They also maintained control by recruiting some physical perpetrators in

circumstances in which they owed a debt to DUTERTE and/or the police. DDS physical perpetrators were fungible within the apparatus.

6. During DUTERTE's presidential campaign and the transition period after he was elected, the Co-Perpetrators agreed to expand the Common Plan to 'neutralise' alleged criminals through violent crimes including murder across the Philippines. When DUTERTE became President on 30 June 2016, he had *de jure* and *de facto* control over the PNP, PDEA and all other agencies implementing the Common Plan nationwide. Immediately after his inauguration, DUTERTE appointed Co-Perpetrators from Davao City to high-level national positions which allowed them to exercise control over the physical perpetrators, for example: DELA ROSA became PNP Chief; LAPENA became Director General of PDEA; Bong GO became DUTERTE's Presidential Special Assistant and Chief of Staff; GIERRAN became Director of the NBI nationwide; and AGUIRRE became Secretary of Justice of the Philippines. Together, DUTERTE and his Co-Perpetrators established a network of perpetrators comprising State actors, i.e. law enforcement officers (including personnel from the PNP, PDEA, the NBI and the Bureau of Corrections ("BuCor")), and non-police assets and hitmen (together, "the National Network"), to operate in a similar manner as the DDS in conducting operations to kill alleged criminals in accordance with the Common Plan.

7. During the Presidential period, DUTERTE and his Co-Perpetrators used the National Network, including its low-level members, as tools to commit the crimes encompassed by the Common Plan. In their new geographically expanded roles, 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 (including subordinates who were already notorious for their involvement in killings in the Davao region to other parts of the country); threats and use of violence to ensure compliance; making use of circumstances in which they could hold something over their subordinates; the supervision and reporting of the operations; and payments and other incentives to the physical perpetrators. As with the DDS in Davao City, the physical perpetrators were fungible within the apparatus and those who did not follow orders risked being killed when perceived as opposing or posing a threat to the Common Plan.

8. Within the framework of the Common Plan, DUTERTE made an essential contribution to the crimes in Counts 1 to 3 by:

- a. Designing and disseminating the policy to 'neutralise' alleged criminals (both in his role as Mayor of Davao City, and also during his Presidential campaign and as President), including by endorsing the anti-illegal drugs campaign 'Double Barrel';
- b. Establishing and overseeing the DDS;
- c. Instructing and authorising violent acts including murder to be committed against alleged criminals, including alleged drug dealers and users;
- d. Providing personnel and other necessary logistical resources such as weapons including those to be used in the execution of the crimes;
- e. Appointing key personnel to positions which were crucial to the execution of the crimes;
- f. Offering financial incentives and promotions to police officers and hitmen to kill alleged criminals;
- g. Creating and maintaining a system in which perpetrators knew they would be protected, including through promises of immunity and shielding perpetrators from investigation and prosecution;

- h. Making public statements authorising, condoning and encouraging killings of alleged criminals, both as Mayor of Davao City and President of the Philippines;
- i. Authorising State actors to take part in the anti-drugs campaign and temporarily revoking such authorisation, including to placate public outcry;
- j. Publicly naming individuals and holding up charts from lists of alleged criminals, including so-called 'high-value targets', some of whom were subsequently killed.

9. DUTERTE meant to engage in the charged conduct, and intended, or was aware that violent crimes including murder would be committed in the ordinary course of events as a result of the implementation of the Common Plan. DUTERTE was aware that the Common Plan involved an element of criminality and was aware of the fundamental features of the DDS and the National Network which enabled him to exercise control over the charged crimes together with his Co-Perpetrators. DUTERTE was also aware of the factual circumstances which allowed him to have joint control over the crimes, together with his Co-Perpetrators.

## **2. Ordering and/or inducing (article 25(3)(b))**

### ***a. Ordering***

10. DUTERTE ordered members of the DDS and the National Network, over whom he had authority as Mayor of Davao City and Head of the DDS, and later, President of the Philippines, to commit the crimes in Counts 1 to 3 through the conduct described in paragraph 8 above. One or more of these members carried out DUTERTE's orders, which led to the commission of the crimes in Counts 1 to 3.

11. DUTERTE meant to engage in this conduct and was aware of his position of authority over the physical perpetrators of the crimes. He intended that violent crimes including murder would be committed or was aware that they would be committed in the ordinary course of events as a result of the implementation of the orders.

### ***b. Inducing***

12. DUTERTE induced members of the DDS and the National Network to commit the crimes in Counts 1 to 3 through the conduct described in paragraph 8 above. DUTERTE exerted influence over the members of the DDS and the National Network, prompting them to commit the relevant crimes.

13. DUTERTE meant to engage in the conduct described above. DUTERTE intended that, as a result of his conduct, violent crimes including murder would be committed or was aware that they would be committed in the ordinary course of events.

## **3. Aiding and abetting (article 25(3)(c))**

14. DUTERTE aided, abetted or otherwise assisted members of the DDS and the National Network to commit the crimes in Counts 1 to 3 through the conduct described in paragraph 8 above. By these acts, DUTERTE facilitated and/or provided moral encouragement for the relevant crimes.

15. DUTERTE meant to engage in the relevant conduct and did so with the purpose of facilitating the commission of such crimes. DUTERTE was aware that members of the DDS and the National Network would, in the ordinary course of events, commit the types of crimes charged, and was aware that his conduct would contribute to their commission.

## **B. CONTEXTUAL ELEMENTS OF ARTICLE 7**

16. From at least 1 November 2011 to 16 March 2019, the DDS and/or the National Network carried out a widespread and systematic attack against the civilian population in the Philippines. From 1 November 2011 until DUTERTE became President of the Philippines on

30 June 2016, the attack was primarily concentrated in Davao City. After this, from at least 30 June 2016 to 16 March 2019, the attack expanded across the Philippines.

17. During the Mayoral period, the attack was carried out by the Davao City police and paid non-police hitmen who together comprised the DDS. During the Presidential period, the attack was carried out by the National Network (law enforcement personnel with non-police assets and hitmen under their direction and/or control).

18. The attack comprised multiple acts contrary to article 7(1) of the Rome Statute (amounting to a course of conduct) directed against the civilian population of the Philippines, including but not limited to the 76 murders and two attempted murders charged, as well as at least hundreds of other murders during the Mayoral period, thousands of other murders in the Presidential period, and other violent crimes under article 7(1).

19. The attack was carried out during the Mayoral period pursuant to the DDS's organisational policy to 'neutralise' through violent crimes, including murder, alleged criminals in the Philippines who were perceived or alleged to be involved in drug-related (including production, sale and use) and other crimes (such as theft and murder), which became a State policy in the Presidential period. The policy was originally developed by DUTERTE and his close (mostly police) associates in Davao City and implemented at the local level, and then expanded to the national level in 2016. At the material times, and consistent with but not limited to the characteristics set out in paragraphs 4 and 5 above, the DDS had structures or mechanisms that were sufficiently efficient to carry out the attack.

20. 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. During the Mayoral period, it occurred in Davao City for a period of more than four years. During the Presidential period, the attack expanded to locations across the Philippines for a period of almost three years. The attack included thousands of killings, which were perpetrated consistently throughout the charged period.

21. The attack was also systematic in that it was planned, organised and executed in a coordinated fashion, with the acts perpetrated in a clear pattern of violence directed at the targeted population.

22. The conduct that forms the basis of these charges was committed as part of this widespread and systematic attack against a civilian population. DUTERTE and/or the DDS and the National Network perpetrators knew and intended that their conduct was part of this attack.

### **C. THE CHARGED CRIMES**

23. The Prosecution charges the murders and attempted murders below, although the actual scale of victimisation during the charged period was significantly greater, as reflected in the widespread nature of the attack.

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

24. The murders in Count 1, as illustrated by Incidents 1 to 9 below, were perpetrated by members of the DDS in or around Davao City between 2013 and around June 2016 while DUTERTE was Mayor of Davao City (with formal operational supervision and control over Davao City police) and Head of the DDS. The victims of Count 1 were each alleged to be criminals, such as drug pushers or thieves. The physical perpetrators of the murders in Count 1 meant to cause the victims' deaths or were aware that their deaths would occur in the ordinary course of events.

25. **Incident 1:** In or around 2013, members of the DDS [REDACTED] killed three alleged drug pushers, all First Name Unknown ("FNU") Last Name Unknown ("LNU"), in or around [REDACTED], Davao City. The three victims [REDACTED].

26. **Incident 2:** In or around 2013, members of the DDS [REDACTED] seven alleged criminals, all FNU LNU, took them [REDACTED] and killed them [REDACTED], Davao del Norte.
27. **Incident 3:** On or about 4 December 2013, members of the DDS shot and killed three alleged thieves, [REDACTED], [REDACTED] in or around Agdao Public Market, Davao City.
28. **Incident 4:** On or about [REDACTED] 2014, members of the DDS shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Davao City.
29. **Incident 5:** On or about [REDACTED] 2014, members of the DDS shot and killed an alleged thief [REDACTED], Davao City.
30. **Incident 6:** On or about [REDACTED] 2014, members of the DDS shot and killed alleged drug pusher FNU LNU in or around [REDACTED], Davao City.
31. **Incident 7:** On or about [REDACTED] 2014, members of the DDS shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Davao City.
32. **Incident 8:** On or about [REDACTED] 2016, members of the DDS shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Davao City.
33. **Incident 9:** On or about [REDACTED] 2016, members of the DDS shot and killed alleged drug pusher [REDACTED], Davao City.

***b. Count 2: Murders of High-Value Targets during the Presidential period***

34. The murders in Count 2, as illustrated by Incidents 10 to 14 below, were perpetrated by members of the National Network in locations across the Philippines during DUTERTE's Presidency between around July 2016 and July 2017. The victims were individuals labelled as "high-value", including for their alleged involvement in drug manufacturing or drug syndicates. Some of the victims were listed in the 'PRRD List' (referring to the initials of "President Rodrigo Roa Duterte"), with targets categorised by tier according to their assigned 'value' (Levels 1 to 5). 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 Philippine pesos, depending on the level of the target. On various occasions, DUTERTE publicly named individuals or held up a chart (including the PRRD List) identifying individuals who he claimed were involved in the illegal drug trade or other forms of criminality. The physical perpetrators of the murders in Count 2 meant to cause the victims' deaths or were aware that their deaths would occur in the ordinary course of events.
35. **Incident 10:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Manila. The victim was listed as a 'High-Value Target' and "known drug personality" on the PRRD List.
36. **Incident 11:** On or about [REDACTED] 2016, [REDACTED] under the instruction of police and with the assistance of [REDACTED] stabbed and killed alleged drug manufacturers [REDACTED], [REDACTED] and [REDACTED]. The [REDACTED] victims were all listed as 'High-Value Targets' and "drug lords" on the PRRD List.
37. **Incident 12:** On or about [REDACTED] 2016, a team comprised of personnel from the PNP and PDEA shot and killed alleged drug manufacturers [REDACTED] and [REDACTED] in or around [REDACTED].
38. **Incident 13:** On or about 5 November 2016, PNP personnel shot and killed Rolando Rosal ESPINOSA Snr and Raul YAP while the victims were in custody at the Leyte Sub-Provincial Jail, Baybay City, Leyte. ESPINOSA and YAP were both listed as 'High-Value Targets' and 'drug lords' on the PRRD List.

39. **Incident 14:** On or about the early morning of 30 July 2017, PNP personnel killed Ozamiz City Mayor Reynaldo PAROJINOG Snr (alias ‘Aldong’) and multiple other individuals [REDACTED] in the Mayor’s family residence [REDACTED]. The murders were committed after DUTERTE had claimed during a 7 August 2016 televised press conference that Mayor PAROJINOG was involved in the illegal drug trade. Mayor PAROJINOG was listed as a ‘High-Value Target’ and drug “protector” on the PRRD List.

*c. Count 3: Murders and attempted murders in barangay clearance operations during the Presidential period*

40. The murders and attempted murders in Count 3, as illustrated by Incidents 15 to 49 below, were perpetrated by members of the National Network in locations across the Philippines during DUTERTE’s Presidency between around July 2016 and September 2018. The victims were alleged to be ‘lower-level’ criminals. The physical perpetrators of the crimes in Count 3 meant to cause the victims’ deaths or were aware that their deaths would occur in the ordinary course of events.

41. **Incident 15:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Manila. The victim was listed as a drug pusher on [REDACTED] “Illegal Drug Watchlist”.

42. **Incident 16:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug pushers/users [REDACTED] and [REDACTED] in or around [REDACTED], Manila.

43. **Incident 17:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged criminal FNU LNU [REDACTED] in or around [REDACTED], Bulacan.

44. **Incident 18:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug pushers [REDACTED] and [REDACTED], in or around [REDACTED], Bulacan.

45. **Incident 19:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug pusher [REDACTED] around [REDACTED], Manila. The victim was listed as a drug user in the PRRD List and as a drug pusher on [REDACTED] “Illegal Drug Watchlist”.

46. **Incident 20:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Manila.

47. **Incident 21:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug personalities [REDACTED], [REDACTED] and [REDACTED] in or around [REDACTED], Quezon City. PNP personnel shot [REDACTED].

48. **Incident 22:** On or about the night of [REDACTED] 2016, PNP personnel shot [REDACTED] alleged drug pusher [REDACTED] on or around [REDACTED], Manila, [REDACTED].

49. **Incident 23:** On or about the night of 4 to 5 October 2016, PNP personnel shot and killed alleged drug user Benjamin VISDA y CAPULE (alias ‘Jon’ or ‘Jun’) on or around Raxabago Street, Tondo, Manila. The victim was listed as a drug user on PS-1’s “July Illegal Drug Watchlist”.

50. **Incident 24:** On or about [REDACTED] 2016, PNP personnel shot and killed alleged drug pusher [REDACTED] on or around [REDACTED], Manila.

51. **Incident 25:** Between about [REDACTED] 2017, PNP personnel shot and killed alleged drug user [REDACTED] on or around [REDACTED], Bulacan.

52. **Incident 26:** On or about [REDACTED] 2017, PNP personnel shot and killed alleged drug user [REDACTED], on or around [REDACTED], Manila.

53. **Incident 27:** On or about [REDACTED] 2017, PNP personnel shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Bulacan. The victim was listed as a drug pusher on [REDACTED] "Illegal Drug Watch List".
54. **Incident 28:** On or about 15 August 2017, PNP personnel shot and killed alleged drug user [REDACTED] in or around [REDACTED], Bulacan.
55. **Incident 29:** On or about 15 August 2017, PNP personnel shot and killed alleged drug user [REDACTED] and [REDACTED] in or around [REDACTED], Bulacan.
56. **Incident 30:** On or about 16 August 2017, PNP personnel shot and killed alleged drug user Kian Loyd DELOS SANTOS y DOGILLO in or around *Barangay 160*, Caloocan City. The victim was a male child, aged 17 years old.
57. **Incident 31:** On or about [REDACTED] 2017, PNP personnel shot and killed alleged thief [REDACTED] on or around [REDACTED], Manila.
58. **Incident 32:** On or about [REDACTED] 2017, PNP personnel shot and killed alleged drug user [REDACTED] in or around [REDACTED], Bulacan.
59. **Incident 33:** On or about [REDACTED] 2017, PNP personnel shot and killed alleged drug pushers [REDACTED] and [REDACTED] in or around [REDACTED], Manila. The victims were listed as drug pushers on [REDACTED].
60. **Incident 34:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug user [REDACTED] in or around [REDACTED], Bulacan.
61. **Incident 35:** On or about [REDACTED] 2018, PNP personnel shot and killed [REDACTED] on or around [REDACTED], Manila.
62. **Incident 36:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug pushers FNU LNU [REDACTED] and FNU LNU [REDACTED] on or around [REDACTED], Manila.
63. **Incident 37:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug user FNU LNU in or around [REDACTED], Bulacan.
64. **Incident 38:** On or about [REDACTED] 2018, PNP personnel strangled and killed alleged thief and drug user [REDACTED] in or around [REDACTED], Bulacan. The victim was a male child, aged approximately [REDACTED].
65. **Incident 39:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug user [REDACTED] in [REDACTED], Bulacan.
66. **Incident 40:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug thief [REDACTED] in or around [REDACTED], Bulacan.
67. **Incident 41:** On or about [REDACTED] 2018, PNP personnel and non-police assets strangled and killed alleged drug user [REDACTED] in or around [REDACTED], Bulacan.
68. **Incident 42:** In the days following [REDACTED] 2018, PNP personnel shot and killed alleged drug user FNU LNU [REDACTED], in [REDACTED], Bulacan.
69. **Incident 43:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug user [REDACTED] on or around [REDACTED], Manila.
70. **Incident 44:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged [REDACTED] thief [REDACTED] in or around [REDACTED], Bulacan.
71. **Incident 45:** Between around [REDACTED] 2018, PNP personnel strangled and killed an alleged thief FNU LNU [REDACTED] in or around [REDACTED], Bulacan. The victim was a male child, aged approximately [REDACTED].

72. **Incident 46:** Between about [REDACTED] 2018, PNP personnel and a non-police hitman shot and killed alleged drug user [REDACTED] and shot, suffocated and killed alleged drug user [REDACTED], in or around [REDACTED], Bulacan.
73. **Incident 47:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug pusher [REDACTED] in or around [REDACTED], Bulacan.
74. **Incident 48:** On or about the night of [REDACTED] 2018, PNP personnel shot and killed alleged drug user [REDACTED] at [REDACTED], Manila.
75. **Incident 49:** On or about [REDACTED] 2018, PNP personnel shot and killed alleged drug pusher [REDACTED] in or around [REDACTED].

**For these reasons, Rodrigo Roa DUTERTE is criminally responsible for:**

**Count 1:** Murder as a crime against humanity in Davao City during the Mayoral period of at least the 19 victims of Incidents 1 to 9, between 2013 and around June 2016, pursuant to articles 7(1)(a) and 25(3)(a) (indirect co-perpetration) and/or 25(3)(b) (ordering and/or inducing) and/or 25(3)(c) (aiding and abetting);

**Count 2:** Murder as a crime against humanity of ‘High-Value Targets’ in locations across the Philippines during the Presidential period of at least the 14 victims of Incidents 10 to 14, between around July 2016 and July 2017, pursuant to articles 7(1)(a) and 25(3)(a) (indirect co-perpetration) and/or 25(3)(b) (ordering and/or inducing) and/or 25(3)(c) (aiding and abetting);

**Count 3:** Murder and attempted murder as crimes against humanity in *barangay* clearance operations in locations across the Philippines during the Presidential period of at least the 45 victims (43 murders and two attempted murders) of Incidents 15 to 49, between around July 2016 and September 2018, pursuant to articles 7(1)(a) and/or 25(3)(f) and 25(3)(a) (indirect co-perpetration) and/or 25(3)(b) (ordering and/or inducing) and/or 25(3)(c) (aiding and abetting).

**COMMITTS** Mr Duterte to a Trial Chamber for trial on the charges as confirmed;

**ORDERS** the Registrar to transmit this decision on the confirmation of charges and the record of these proceedings to the Presidency.

Done in English. A French translation will follow. The English version remains authoritative.



**Judge Iulia Antoanella Motoc, Presiding**



**Judge Reine Adélaïde Sophie Alapini-  
Gansou**



**Judge María del Socorro Flores Liera**

Dated this Thursday, 23 April 2026

At The Hague, The Netherlands