

The Prosecutor vs. Rodrigo Roa Duterte

Update: 23 April 2026

Decision on the confirmation of charges in the Duterte case, 23 April 2026

WHAT DID THE JUDGES DECIDE?

Pre-Trial Chamber I of the International Criminal Court (ICC) confirmed all charges of crimes against humanity brought by the Prosecution against Rodrigo Roa Duterte and committed him to trial.

The judges based their decision on the evidence presented during the confirmation of charges hearing held from 23 to 27 February 2026, as well as on the submissions and documents of the parties and participants, including participating victims. The Chamber concluded that there are substantial grounds to believe that Mr Duterte is responsible for the crimes against humanity of murder and attempted murder, pursuant to article 7(1)(a) of the Rome Statute (the Court's founding treaty). These crimes were allegedly committed as part of a widespread and systematic attack against a civilian population on the territory of the Republic of the Philippines between 1 November 2011 and 16 March 2019 in the context of the "war on drugs" campaign.

WHO IS MR DUTERTE?

Mr Rodrigo Roa Duterte, born on 28 March 1945 and a national of the Republic of the Philippines, is the former President of the Philippines, Mayor of Davao City, Vice Mayor of Davao City, and allegedly the founder and head of the Davao Death Squad ('DDS'), at the time of the relevant conduct.

CAN THIS DECISION BE APPEALED?

The Defence and the Prosecution are not automatically entitled to appeal this decision but they can request authorisation from the Pre-Trial Chamber to do so.

WHAT ARE THE EXPECTED NEXT STEPS?

The ICC Presidency will constitute a Trial Chamber responsible for conducting the subsequent phase of the proceedings and composed of three judges other than those who sat on the Pre-Trial bench. Promptly after it is constituted, the Trial Chamber will hold status conferences, confer with the parties and participants in order to set the date of the commencement of the trial and adopt the procedures necessary to facilitate the fair and expeditious conduct of the proceedings. The Chamber will rule on several preliminary issues, including the timing and the manner of disclosure of evidence.

WILL MR DUTERTE ATTEND HIS TRIAL IN PERSON?

Under Article 63 of the Rome Statute, the accused shall be present during the trial before the ICC. Any other matters relating to the modalities of participation of the accused will be adjudicated by the ICC Judges.

ARE VICTIMS PARTICIPATING IN THIS CASE?

Yes, the judges have authorized 539 victims to participate in proceedings. The judges have appointed Joel Butuyan and Gilbert Andres, as well as Paolina Massidda of the Court's Office of Public Counsel for Victims, to act as a single team of common legal representatives for the authorised victims.

Additional victims wishing to participate in the trial proceedings can apply through the ICC Victims Participation and Reparations Section. For more information, see: <https://www.icc-cpi.int/victims/duterte-case>

WHAT RIGHTS DO ICC SUSPECTS HAVE?

ICC suspects are presumed innocent, unless proven guilty. They are present in the courtroom during the proceedings, and they have a right to a public, fair and impartial hearing of their case.

The Court's legal documents grants suspects a number of rights, such as:

- The right to use a language they fully understand and speak;
- The right to be defended by a lawyer of their choice;
- The right to present evidence and call witnesses;
- The right to be informed of the charges;
- The right to have adequate time and facilities to prepare their defence;
- The right to remain silent;

- The right not to be compelled to testify or to confess guilt; and
- The right to have the Prosecution disclose to the defence both incriminating and potentially exonerating evidence.

WHERE IS MR DUTERTE CURRENTLY BEING DETAINED?

Since his transfer to the Court on 12 March 2025, Mr Duterte has been detained at the ICC Detention Centre in Scheveningen, in The Hague, The Netherlands. The Detention Centre meets the highest international human rights standards for the treatment of detainees. Detained persons are presumed by the Court to be innocent until proven guilty beyond reasonable doubt.

COULD MR DUTERTE BE GRANTED INTERIM RELEASE PENDING TRIAL?

Mr Duterte has the right to request interim release in accordance with the legal framework of the Court. In that case, it will be for the ICC Judges to decide whether to grant it or not.

WHO ARE THE JUDGES SITTING IN THIS CASE?

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

WHAT IS THE STATUS OF THE ICC INVESTIGATIONS IN THE PHILIPPINES?

The investigation into the situation in the Philippines was opened on 15 September 2021, when the judges of Pre-Trial Chamber I, in its former composition, granted the Prosecution's request to open it. The ICC Office of the Prosecutor's investigation in relation to the situation in the Philippines continues. This investigation focuses on crimes allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the so-called "war on drugs" campaign. The OTP is pursuing efforts to deliver justice to victims in the Philippines. While conducting its investigation, the Office continues to pursue investigative activities and engage with relevant stakeholders. As part of its ongoing and active investigation, the OTP encourages individuals with relevant information to come forward. They can do so through the following secure channel: <https://appeals.icc-cpi.int>