

[ADRN Issue Briefing]

From Impunity to Accountability: Bringing a Fallen Strongman to Justice

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Introduction

The arrest of former Philippine President Rodrigo Duterte by the International Criminal Court (ICC) in March 2025 marks a historic milestone in the global pursuit of accountability for crimes against humanity. This article traces the legal foundations of the ICC case, the instrumental role of disinformation in obstructing accountability, and the collective efforts of domestic and international actors that culminated in Duterte's arrest. The Philippine case exemplifies the vulnerabilities and resilience of democratic institutions under populist regimes. It also generates important questions about the limits of state sovereignty, the power of transnational justice, and the possibilities for democratic revival in Asia.

The Fall of an Untouchable

For years, he was considered invincible. Rodrigo Roa Duterte, the long-time mayor of Davao City who subsequently became the 16th President of the Philippines, was known for his fierce rhetoric, brutal anti-drug crusade, and populist appeal that resonated with millions of Filipinos. Adherents regarded him as an intrepid protector of law and order. Conversely, his detractors and human rights proponents contended that he was the engineer of one of the most violent peacetime campaigns in Southeast Asian history (Amnesty International 2017).

Now, he sits in a detention center in The Hague, having been apprehended by the ICC on charges of crimes against humanity. His fall marks a watershed event in Philippine history and international justice. However, this reckoning was not an abrupt occurrence; rather, it was the result of years of coordinated efforts by survivors, lawyers, senators, international NGOs, and legal experts who refused to let thousands of dead Filipinos become footnotes in a war that was widely regarded as unlawful from the beginning (Human Rights Watch 2020a).

The presidency of Rodrigo Duterte (2016–2022) was one of the most polarizing and consequential periods in modern Philippine history. His war on drugs, which led to the deaths of thousands of alleged drug offenders, drew condemnation from international human rights groups and global institutions (UN Human Rights Council 2020). In March 2025, Duterte was arrested under a warrant issued by the ICC for crimes against humanity. This arrest, a first in the case of a Southeast Asian head of state, has triggered a global debate on the limits of sovereignty, the power of disinformation, and the path of democracy in Asia.

The Davao Death Squad and the National War on Drugs

Rodrigo Duterte's reputation for law-and-order governance began long before his presidency. As mayor of Davao City, he gained notoriety for his stringent stance on crime, bolstered by persistent allegations of his association with the so-called Davao Death Squad (DDS). According to reports by the United Nations and human rights organizations, the DDS was a vigilante group responsible for the extrajudicial killings of drug suspects and petty criminals (Alston 2009). A 2009 report by UN Special Rapporteur Philip Alston cited credible evidence linking local officials to these killings, indirectly implicating Duterte himself.

Upon assuming the presidency in 2016, Duterte perpetuated the same violent rhetoric and tactics at the national level. His flagship program called *Oplan Tokhang* was initially framed as a campaign against illegal drugs. However, it rapidly evolved into a nationwide crackdown marked by police abuses, summary executions, and widespread fear. Government statistics indicate approximately 6,000 deaths (Philippine Drug Enforcement Agency 2018), while independent estimates, including those by Amnesty International and Human Rights Watch, have placed the death toll as high as 27,000 (Amnesty International 2017; Human Rights Watch 2020b). These figures included minors, bystanders, and individuals falsely accused of drug use or peddling.

The grim scenes of bodies in alleyways with cardboard signs reading "I am a drug pusher" served as poignant symbols of the drug war's brutality. This situation prompted a strong reaction from the global community. In 2018, the ICC announced a preliminary examination into the killings, prompting the Duterte administration to withdraw the Philippines from the Court in 2019 (ICC 2018). Nonetheless, under Article 127 of the Rome Statute, the ICC retained jurisdiction over crimes committed while the Philippines was still a state party, thereby ensuring that the door to prosecution remained open (Coalition for the ICC 2024).

As early as 2016, human rights organizations, journalists, and legal aid groups began documenting abuses. Despite widespread fear and a chilling effect on civic discourse, families of victims, whistleblowers, and civil society actors courageously began compiling affidavits, forensic evidence, and testimony that would form the basis of international legal action.

Coalition for Accountability: Domestic and International Actors

Despite President Duterte's aggressive stance against dissent, a broad and resilient coalition of domestic and international actors laid the groundwork for his eventual arrest. Early domestic resistance was initiated by lawmakers such as Senator Leila de Lima, who initiated Senate inquiries into extrajudicial killings and invited whistleblowers like Edgar Matobato to testify about Duterte's alleged connections to the Davao Death Squad (Luu et al. 2016). Her bold stance rendered her a primary target for political retaliation, resulting in her arrest and prolonged detention on contested drug-related charges (Human Rights Watch 2022). While detained, De Lima continued to produce statements and legal commentaries that were later submitted to international bodies, including the ICC.

Senator Antonio Trillanes IV played a complementary and crucial role in the accountability movement. A former Navy officer, Trillanes used his platform to directly accuse Duterte of ordering extrajudicial killings, warning about the militarization of police forces and the erosion of the rule of law.

He supported whistleblowers, liaised with international organizations, and participated in diplomatic engagements with the ICC's Office of the Prosecutor (*Philippine Daily Inquirer* 2025-03-12).

Human rights organizations, including Karapatan, Amnesty International, and Human Rights Watch, systematically documented the drug war's abuses. Legal advocacy groups like the Free Legal Assistance Group (FLAG), headed by Jose Manuel "Chel" Diokno, and the Center for International Law (CenterLaw), led by Joel Butuyan, compiled affidavits, mapped command responsibility structures, and filed petitions with the Supreme Court questioning the extralegal deaths from anti-drug operations (*Asia News Monitor* 2017-11-30). Religious leaders, notably Caloocan Bishop Pablo Virgilio David of the Catholic Bishops' Conference of the Philippines, also played an instrumental role, offering sanctuary to victims' families and issuing moral condemnations of state violence (Jeffrey 2019).

International NGOs, including the European Center for Constitutional and Human Rights (ECCHR) and the International Federation for Human Rights (FIDH), advised Filipino legal teams on evidentiary standards and procedural matters under international law. These global alliances were crucial in translating grassroots documentation into legal frameworks that met the ICC's threshold for widespread and systematic attacks on civilians under Article 7 of the Rome Statute (ICC 2021).

The coalition's efforts were not without risk. Victims' families and human rights defenders faced constant threats, surveillance, and harassment. Disinformation campaigns attempted to smear activists and discredit the ICC as a neocolonial institution. Yet, through quiet diplomacy, data-gathering, and strategic advocacy, these actors sustained the necessary momentum for accountability. The unsealing of the ICC's arrest warrant in March 2025 was the culmination of nearly a decade of collective resilience and legal innovation.

Whistleblowers, Survivor Testimony, and Building the ICC Case

The earliest sparks of resistance to Duterte's drug war emerged from the most vulnerable segments of society—the bereaved families, the survivors, and a handful of courageous insiders. The Commission on Human Rights (CHR), an independent National Human Rights Institution created under the 1987 Philippine Constitution, and chaired by Jose Luis Martin "Chito" Gascon, began to quietly compile records of killings as early as mid-2016. Despite the risks of retaliation, survivors and family members stepped forward to give testimonies, which human rights lawyers assisted in documenting into legal records. FLAG played an important role in this process, filing domestic cases and compiling affidavits for international submission (Lozada 2021).

Religious organizations, particularly those associated with the Catholic Church, also offered protection and visibility to victims. Fr. Flavie Villanueva's programs provided burial assistance and psychosocial support to bereaved families, and his work became a symbol of faith-based resistance (Orendain 2025). The testimonies provided a pattern of systematic abuse, often corroborated by leaked documents, police memorandums, and forensic reports.

Crucially, self-confessed hitman Edgar Matobato and former police officer Arthur Lascañas, stepped forward with first-hand accounts implicating Duterte in extrajudicial killings during his time as mayor and president. Matobato's testimony before the Philippine Senate in 2016 claimed that he was a former DDS member who participated in killings on Duterte's orders (Luu et al. 2016). Lascañas later corroborated and expanded on these claims in 2017, providing further details about the operational structure and official sanctioning of the killings (*Rappler* 2017-02-20).

Between 2020 and 2024, over 200 sworn statements were collected from survivors, witnesses, and former law enforcement personnel. These statements provided the systematic dimension required under the Rome Statute’s definition of crimes against humanity (ICC 2021). Concurrently, international NGOs such as FIDH and ECCHR advised local legal teams on standards of evidence, chain-of-custody protocols, and the legal formatting required for admissibility at the ICC.

Satellite imagery, geo-tagged data, and social media analysis by organizations like Amnesty International and Human Rights Watch further supported these claims, revealing consistent patterns of killings across locations and timelines (Amnesty International 2019). By the time the ICC’s Office of the Prosecutor formally requested authorization to investigate in 2021, it had amassed a comprehensive body of evidence demonstrating a state-led campaign against civilians (ICC 2021).

The Marcos-Duterte Alliance and Political Fallout

The arrest of Rodrigo Duterte must also be understood within the shifting dynamics of Philippine politics following his departure from office in 2022. Initially, Duterte’s political influence endured through his alliance with President Ferdinand “Bongbong” Marcos Jr., who won the presidency with Duterte’s daughter, Sara Duterte, as his running mate. The so-called “UniTeam” coalition represented a convergence of dynastic power, with Marcos consolidating his northern base and Duterte maintaining dominance in Mindanao (Curato 2022).

However, cracks began to emerge in the alliance shortly after the elections. Duterte increasingly criticized Marcos Jr. for his economic policies and foreign alignments, particularly regarding the Philippines’ warming ties with the United States and distancing from China (*Reuters* 2023). Meanwhile, Vice President Sara Duterte, who also served as Secretary of the Department of Education, faced criticism for her management of educational reforms and was sidelined in key policy decisions. Tensions escalated within the executive branch, eventually resulting in Sara’s resignation from her cabinet post in early 2024, although she retained the vice presidency (*Philippine Star* 2024-06-19).

By late 2024, the alliance had completely unraveled. Marcos Jr., facing mounting international pressure over the ICC case, shifted from passive neutrality to cautious cooperation. He allowed ICC investigators greater access and instructed state agencies, including the Commission on Human Rights and the Department of Justice, to refrain from obstructing international efforts (UN Human Rights Council 2024). This move was interpreted by the Duterte camp as a betrayal, intensifying the conflict between the two political dynasties.

The conflict culminated in the impeachment of Vice President Sara Duterte. The House of Representatives, dominated by Marcos allies, initiated the proceedings on grounds of misuse of public funds and betrayal of public trust. The Senate, convening as an impeachment court, will hear the allegations against the Vice President. While many observers saw the impeachment as politically motivated, the process was legally sound, signaling a consolidation of power by the Marcos camp (*ABS-CBN News* 2025-02-05).

Just weeks after Sara’s impeachment, the ICC unsealed its arrest warrant for Rodrigo Duterte. Given the political climate’s shift against the Dutertes and the limited avenues for protection, the arrest proceeded without significant institutional resistance. This series of events signaled a significant shift in Philippine political history: the collapse of a formerly dominant political dynasty and the reassertion of international legal norms within a fragile democracy.

The ICC Arrest Warrant and Legal Implications

The formal issuance and unsealing of the ICC arrest warrant against Rodrigo Duterte in March 2025 marked a defining moment in international criminal jurisprudence and the accountability campaign led by Filipino and global advocates. The warrant, issued under Article 7 of the Rome Statute, charged Duterte with crimes against humanity, including murder, other inhumane acts, and persecution of political opponents and civil society actors. These allegations stemmed from Duterte's tenure as both president and, prior to that, mayor of Davao City, underscoring a pattern of alleged extrajudicial executions (ICC 2025).

The ICC's legal jurisdiction over Duterte was rooted in the Philippines' ratification of the Rome Statute in 2011 and remained valid for crimes committed prior to the country's withdrawal in 2019, as established in Article 127(2) (Coalition for the ICC 2024). The Rome Statute's principle of complementarity further justified the ICC's intervention: Philippine domestic institutions had failed to investigate or prosecute the architects of the drug war, despite clear documentation and widespread allegations of state-sanctioned violence (UN Human Rights Council 2020).

Duterte's legal team claimed that the arrest violated Philippine sovereignty and that his policies were part of a legitimate anti-crime campaign. However, the prevailing international legal consensus, as evidenced by precedents set in cases involving former Sudanese President Omar al-Bashir and former Ivorian President Laurent Gbagbo, affirms that heads of state do not possess immunity from prosecution for international crimes under active ICC mandates (Cassese 2003; Schabas 2011). The Supreme Court of the Philippines had previously upheld the legality of cooperation with the ICC in a 2021 decision that cited the country's obligations under international law (Supreme Court of the Philippines 2021).

The execution of the arrest was made possible by the political realignment under President Marcos Jr., who allowed the operation to proceed without obstruction. Duterte was apprehended at the Manila airport during a joint operation involving Philippine authorities and international observers, and was swiftly transferred to The Hague. The arrest triggered national and international reactions, celebrated by human rights groups and criticized by populist factions. However, the incident ultimately reinforced the primacy of international law in addressing issues of impunity.

The legal implications of Duterte's arrest extend beyond the Philippines. The case has reinvigorated discussions on the efficacy of the ICC, the reach of transnational justice, and the responsibilities of state parties to the Rome Statute. Additionally, it has exerted pressure on institutions to consider complementary prosecutions for mid- and lower-level officials implicated in the drug war.

Disinformation and the Battle Over Truth

During Rodrigo Duterte's presidency, disinformation was not merely a byproduct of political rhetoric but a strategic instrument of governance. From the onset of his presidency, Duterte's allies utilized coordinated digital campaigns, troll farms, and state-aligned media to craft a parallel narrative portraying the war on drugs as a righteous crusade against national decay. Notably, the administration invoked the purported addiction of three million Filipinos as a basis to justify extreme tactics, despite a dearth of empirical evidence to support this claim (Santos 2017).

The Duterte administration's information strategy systematically dehumanized drug users, portraying them as "non-Filipinos," and the "scourge of society," thereby effectively legitimizing their elimination in the public eye (David 2020). These narratives permeated not only state press briefings but also online spaces, where troll networks amplified pro-administration talking points and attacked dissenting voices. Journalists from *Rappler*, *ABS-CBN*, and *the Philippine Daily Inquirer* were frequently branded as either foreign agents or fake news propagators (Freedom House 2021).

Targets of these campaigns also included human rights defenders and legal actors. Senator Leila de Lima was falsely accused of engaging in drug trafficking and moral impropriety, while Senator Antonio Trillanes IV was cast as a coup plotter and foreign puppet. International organizations such as the ICC were portrayed as neocolonial meddlers attempting to usurp Philippine sovereignty (Tsek.ph 2022).

Disinformation undermined public support for accountability, by painting critics as traitors and institutions like the ICC as illegitimate. It further silenced witnesses and survivors by subjecting them to digital harassment and real-world intimidation. Testimonies provided by victims' families were dismissed as lies or foreign-funded fabrications, even as legal groups verified the authenticity and consistency of these statements (Amnesty International 2019).

Investigative reports later confirmed that many of these campaigns were coordinated through paid networks and government-linked public relations firms. A 2021 study by the Digital Forensic Research Lab found substantial evidence of coordinated inauthentic behavior on Facebook and Twitter/X, aimed at discrediting international probes and inflating Duterte's approval ratings (DFRLab 2021).

Despite the scale of disinformation, civil society demonstrated resilience in the face of these challenges. Fact-checking alliances like Tsek.ph, along with VERA Files and *Rappler*, tracked and debunked coordinated attacks. International watchdogs highlighted the Philippines as a case study in how authoritarian populism weaponizes digital media to suppress dissent and obstruct justice (Freedom House 2021).

By the time the ICC warrant was unsealed in 2025, the credibility of Duterte's information machine had begun to collapse. Former troll operators turned whistleblowers, social media platforms began taking down coordinated networks, and a more digitally literate public had grown wary of state-sponsored narratives. The battle over Duterte's legacy, once dominated by propaganda, now hinged on facts, and the weight of legal evidence proved overwhelming.

Democratic Implications for Asia

The arrest of Rodrigo Duterte holds profound implications in the context of democratic governance in Asia. For decades, Southeast Asia has witnessed the entrenchment of authoritarian populism, from the military juntas of Myanmar to the centralized rule in Cambodia and Thailand. The Philippines, frequently lauded as a model of post-authoritarian transition following the 1986 People Power Revolution, experienced democratic backsliding under Duterte's administration. This era has been marked by attacks on judicial independence, suppression of opposition, and normalization of state violence (Thompson 2020).

Duterte's arrest by the ICC is a potential inflection point. It demonstrates that even entrenched populist leaders may be subject to the jurisdiction of international law. It also affirms the role that

civil society, independent media, and transnational legal institutions can play in restoring accountability. The arrest sends a powerful message across the region – that heads of state are not immune from prosecution when domestic institutions fail to uphold the rule of law (Palmer and Sperfeldt 2016).

This precedent may embolden pro-democracy movements in neighboring countries. In Myanmar, where the military has been violently suppressing dissent since the 2021 coup, and in Cambodia, where opposition parties have been systematically dismantled, the arrest of Duterte offers a hopeful contrast. This development suggests that with persistence, international support, and legal rigor, justice can be pursued even under hostile political conditions (Neelakantan 2025).

However, the arrest also reveals persistent risks. Disinformation networks demonstrate resilience and adaptability, effectively reinterpreting Duterte’s accountability as foreign interference or elite retribution. Moreover, there is a risk that authoritarian regimes in the region will respond by further insulating themselves from international institutions, tightening control over information, and using legal reforms to shield state actors from scrutiny (Levitsky and Way 2020).

The eventual outcome of Duterte’s arrest will be contingent on subsequent events. Should the Philippines pursue substantial judicial reform, protect whistleblowers and survivors, and hold accomplices accountable, it may be able to reestablish its democratic credentials. Otherwise, the moment could be co-opted or forgotten. Presently, the arrest signifies a singular instance of reckoning that may inspire democratic resurgence in an era increasingly defined by impunity.

Conclusion

The arrest of Rodrigo Duterte by the ICC signifies a watershed moment in the realm of international law and a critical evaluation of democratic principles. For years, Duterte exemplified the impunity that plagues numerous populist regimes. He rose to power by demonizing vulnerable populations, weaponizing state institutions, and distorting truth through disinformation. His apprehension in March 2025 is the culmination of years of coordinated resistance by survivors, legal advocates, journalists, and civil society groups who refused to let thousands of extrajudicial killings go unanswered (Human Rights Watch 2020a; Amnesty International 2019).

From a legal standpoint, the ICC’s case against Duterte underscores the continued relevance of the Rome Statute in holding former heads of state accountable, even in instances where withdrawal from the Court’s jurisdiction has occurred. The doctrine of complementarity served as a key mechanism, enabling the ICC to intervene when Philippine institutions proved unwilling or unable to investigate and prosecute serious crimes. From a political standpoint, Duterte’s arrest underscores the strategic importance of international cooperation, especially in moments when domestic mechanisms fall short (ICC 2025; Coalition for the ICC 2024).

Furthermore, Duterte’s case serves as a cautionary tale, highlighting the resilience of authoritarian narratives. Disinformation, once considered a fringe tactic, became a central element of governance under Duterte, thereby reinforcing impunity and eroding democratic institutions. Addressing such narratives requires not only legal instruments but also a reinvestment in civic education, press freedom, and transnational solidarity (DFRLab 2021; Freedom House 2021).

In the broader Asian context, the case provides a precedent and serves as a cautionary example, underscoring the potential for international intervention when domestic justice systems are

found to be compromised. It challenges the long-standing regional norm of absolute sovereignty and signals to other authoritarian regimes that legal accountability can transcend borders.

The pursuit of justice for the victims of Duterte's drug war remains an ongoing process. The judicial process will persist, evidence will be tested, and the legacies of disinformation and violence will linger. Still, it is noteworthy that for the first time in years, the prospect of accountability has transitioned from mere aspiration to a tangible reality. ■

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