



DUTERTE'S ARREST AND THE ICC: A TURNING POINT FOR INTERNATIONAL JUSTICE?

by

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The recent arrest of former Philippine President Rodrigo Duterte marks a historic moment for international justice and Philippine politics. Duterte, known for his aggressive anti-drug campaign that resulted in thousands of extrajudicial killings, now faces charges of crimes against humanity at the International Criminal Court (ICC). His arrest, facilitated by the administration of President Ferdinand Marcos Jr., raises critical questions about Philippine sovereignty, security, and political stability while also setting a precedent for the ICC's ability to hold world leaders accountable.

Duterte's [detention by Philippine authorities](#) followed years of ICC investigations into human rights abuses during his time as both mayor of Davao City and president of the Philippines. While the Philippines [withdrew from the ICC in 2019](#), the court retained jurisdiction over crimes committed before the withdrawal was finalized. His arrest highlights the enduring reach of international law over crimes of a systematic and large-scale nature, reaffirming that leaders cannot evade accountability merely by exiting legal frameworks.

The ICC's decision to proceed with Duterte's indictment was [based on years of evidence collection](#). Investigators compiled forensic reports, witness testimonies, and data from human rights organizations detailing a pattern of extrajudicial killings. Some of the most compelling evidence came from former police officers who defected or testified anonymously, exposing the extent of state-sanctioned executions.

[United Nations reports](#) also confirmed that many of these killings were not properly investigated by Philippine authorities. Testimonies from the families of victims provided further evidence that Duterte's administration employed death squads and vigilante-style killings as an unofficial state policy.

A Country on the Brink: Political Tensions Could Cause Unrest in the Philippines

A significant factor in Duterte's arrest was the [changing political landscape](#) in the Philippines. President Marcos Jr., initially reluctant to cooperate with the ICC, reversed his position as tensions between the Marcos and Duterte political factions intensified. Allowing Duterte's arrest helped Marcos Jr. weaken a major political rival while signaling to the international community that his administration is committed to the rule of law, albeit selectively.

The rift between Duterte and Marcos Jr. became evident when [Duterte's daughter, Sara](#), Vice President in the current Marcos administration, initially a key ally, began making aggressive political demands. Reports suggest she sought [excessive discretionary funds](#), straining the partnership between the Duterte and Marcos factions. Furthermore, Sara Duterte was [impeached](#) on charges including corruption and plotting to assassinate the president. Her political downfall has only deepened the divide.

Adding to the controversy, she has also been named as a [co-perpetrator in the ICC's investigation](#) into her father's brutal anti-drug campaign, which unfolded during her tenure as Davao City mayor. Marcos Jr.'s reversal on ICC cooperation appears to be a strategic move to consolidate power ahead of the 2028 elections, distancing himself from the Duterte legacy while reinforcing his own control over the political landscape.

In addition to the list of legal troubles facing Duterte's allies, Philippine authorities recently arrested [Apollo Quiboloy](#), a self-proclaimed church leader and longtime supporter of Duterte. Quiboloy, who wielded significant influence in religious and political circles, faces serious charges of child sex trafficking both in the Philippines and the United States. His arrest, much like Duterte's, is seen as part of Marcos Jr.'s broader move to distance himself from the former president's political sphere. Quiboloy was known for using his religious organization to propagate pro-Duterte messaging and was a vocal supporter of Duterte's war on drugs.

By allowing Duterte's arrest, Marcos Jr. has effectively [sidelined a major political rival](#) while presenting himself as a reformist leader. However, this strategy carries risks; alienating Duterte's supporters could



backfire politically if unrest grows.

Despite international condemnation, [Duterte remained widely popular domestically](#) due to his strongman persona, fiery rhetoric, and promises of swift justice. He appealed to marginalized sectors of society by portraying himself as an anti-elite, anti-establishment leader who would eradicate corruption and criminality. However, his claims of success in the [war on drugs were highly contested](#). While some metrics suggested a reduction in street crime, critics pointed out that the policy disproportionately targeted the poor, failed to address the root causes of drug addiction, and did little to dismantle major drug syndicates.

During his presidency, Duterte aggressively targeted critics, including opposition politicians, journalists, and human rights advocates. He publicly [discredited media outlets](#) such as Rappler and ABS-CBN, accusing them of biased reporting and being tools of oligarchs. He attempted to shut down ABS-CBN by refusing to renew its franchise, effectively silencing one of the country's largest broadcast networks. Duterte also used the state's legal machinery to detain or intimidate critics, most notably the arrest of opposition senator Leila de Lima on what many viewed as politically motivated drug charges. His rhetoric was often incendiary. He branded [critical journalists as "spies" and "sons of bitches,"](#) and repeatedly threatened to kill those who undermined his war on drugs. To counter claims against him, he framed international condemnation as Western meddling and painted himself as a defender of national sovereignty against foreign influence. This populist narrative, reinforced by his loyal online propaganda machinery, further entrenched his appeal among his base while isolating detractors.

His [loyalists include members of law enforcement, paramilitary groups, and political elites](#) who benefited from his administration. The risk of civil unrest is high, as demonstrated by the immediate mobilization of Duterte supporters at Manila's airport and government offices.

Some of Duterte's strongest backers are former Philippine National Police (PNP) officers who carried out his war on drugs. Many fear legal repercussions should Duterte's policies be fully investigated. Additionally, paramilitary groups, particularly in Mindanao, could destabilize the situation further if

they mobilize in his defense.

Duterte visited Hong Kong just before his arrest, [sparking speculation](#) that he was seeking asylum. As a Special Administrative Region of China, Hong Kong is not a party to the ICC, making it a potentially attractive destination for leaders facing international prosecution. However, China's obligations under Interpol agreements could have complicated any attempt to shield Duterte. Despite these speculations, Duterte's camp insists that the trip was merely a private visit to engage with supporters. Notably, during a rally in Hong Kong, Duterte acknowledged the possibility of his arrest, indicating he was aware of impending legal actions. His return to Manila suggests that he either miscalculated the Marcos administration's willingness to protect him or had no viable asylum options.

The Irony of Due Process: Duterte's Own Tactics Come Full Circle

Throughout his presidency, Duterte showed little regard for legal procedures. He publicly encouraged police officers to kill drug suspects and dismissed human rights concerns. Opposition figures like Senator Leila de Lima were jailed on politically motivated charges, while journalists such as Maria Ressa faced relentless legal harassment. Now, in a dramatic reversal, Duterte himself will [receive the due process](#) he denied to so many others. Unlike his critics, who were often subjected to sham trials, Duterte will have full legal representation and access to a fair judicial process at the ICC.

Despite overwhelming evidence, Duterte's legal team will likely employ several defense strategies:

Sovereignty Argument: Duterte's legal team may argue that the [ICC has no jurisdiction over the Philippines](#), as the country withdrew from the Rome Statute in 2019. However, the ICC retains jurisdiction over crimes committed before the withdrawal, making this argument weak.

Command Responsibility Denial: Duterte could claim that he [did not directly order extrajudicial killings](#) and that rogue police officers acted independently. This defense, however, is contradicted by his own public statements encouraging drug-related executions.

Legitimate Law Enforcement: His defense may



attempt to frame the killings as [legitimate law enforcement operations against dangerous criminals](#).

Yet, evidence suggests that many victims were unarmed or falsely accused.

Political Persecution: Duterte's camp may argue that the case against him is [politically motivated](#), orchestrated by his successors or international actors. However, the ICC's independent and evidence-based approach makes this claim difficult to sustain.

Collateral Damage Argument: Duterte's defense may argue that while extrajudicial killings did occur, they were [not part of a deliberate or systematic policy](#) but rather an unfortunate consequence of an aggressive anti-drug campaign. His legal team may attempt to portray the deaths of low-level drug users and innocent civilians as unintended casualties in a broader effort to combat drug-related crime. They may assert that while the policy aimed to dismantle drug syndicates, the violence that ensued was a regrettable but inevitable side effect of an imperfect law enforcement effort. This line of defense could be used to minimize personal culpability by shifting responsibility to law enforcement agencies or individual officers who may have misinterpreted or exceeded their directives.

Rhetorical Defense Argument: One of the key defenses Duterte's legal team may raise is that many of his [controversial statements were mere rhetoric](#) and should not be interpreted as direct orders for extrajudicial killings. Duterte was well known for making provocative and hyperbolic remarks, often claiming he was joking or using figures of speech. His lawyers could argue that statements such as ["Just because you're a journalist, you're not exempt from assassination"](#) (2016) or ["I'll be happy to slaughter three million drug addicts"](#) (2016) were not actual policy declarations but offhand comments meant to appeal to his political base. This defense would argue that inflammatory rhetoric does not equate to criminal intent or policy, and that Duterte's statements, though reckless, do not constitute evidence of an organized campaign of violence.

Health-Related Delay Tactics: Duterte's legal team may also attempt to delay proceedings by arguing that he is [unfit to stand trial due to health issues](#). Reports from pre-trial hearings already indicate that his lawyers claim he is in poor health, possibly suffering from age-related illnesses. This strategy

is not uncommon for defendants facing serious charges at the ICC, as it could either prolong legal proceedings indefinitely or garner sympathy for a reduced sentence. The court, however, will require independent medical evaluations before deciding whether his health justifies delaying or modifying trial procedures.

A Court With Many Questions: ICC's Reputation on the Line with Duterte Trial

ICC trials often take several years. Cases like that of [Congolese warlord Bosco Ntaganda](#) lasted six years, while former [Liberian president Charles Taylor's](#) trial took seven years. Factors that may prolong Duterte's case include procedural challenges, witness protection issues, and political maneuvering.

If convicted, Duterte could face a [sentence of up to 30 years](#) or life imprisonment. The ICC does not impose the death penalty, and any sentence would likely be served in a cooperating state, such as Norway or the United Kingdom.

Historically, the ICC has [faced criticism for disproportionately targeting African leaders](#), with figures such as Sudan's Omar al-Bashir and Taylor standing trial. Duterte's arrest breaks this pattern, making him the first Asian leader to be indicted by the ICC.

This case sets a precedent that no leader, regardless of geopolitical standing, is immune from prosecution. The ICC's pursuit of Duterte could embolden human rights advocates to push for further accountability in Asia, particularly in countries where authoritarian leaders have long avoided consequences for human rights abuses.

Beyond punitive measures, the trial also raises questions about how the victims of Duterte's war on drugs and their families might find redress and recognition. True justice is not only about punishment but also about repairing harm and fostering accountability.

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