



## ICC TOPIC 1

### Case 1: Rodrigo Duterte

Esteemed advocates,

“With great power comes great responsibility.” Welcome to The International Criminal Court (ICC)! My name is Talal Alasad. I am a rising senior at The International Academy - Amman. This will be my sixteenth experience in MUN. I’m sure that we will have a memorable experience together, alongside my respected deputy president, Jana Halaweh, and honorable chair Faris Saadeldeen.

The ICC is a complex committee that operates under the Rome Statute, which is a treaty that establishes the area of jurisdiction within which a person can be trialed for the four main crimes of the Crime of genocide, Crimes against humanity, War crimes, and the crime of aggression. We will be prosecuting the 2 defendants, “Rodrigo Duterte” and “David Sanakoev”. These are two very complex cases that symbolize the AQMUN’25 theme of “Empowering the Excluded”. However, in these cases, you must break away from the classic court mentality of deciding whether they are innocent or guilty and giving up on the case before it even starts, because in the ICC, you must play your moves right to ensure the verdict goes in your favor.

You are supposed to bring justice to the Rome Statute and not fail those who are allegedly falsely incriminated. Whether you are Prosecution, Defence, or Jury, I assure you that you will have a voice in any and all cases. Just remember, you were placed in this committee for a reason: to bring change to the outcomes of the cases. God willing, the truth will prevail, and hopefully, the innocent will be free, and those who are guilty will be condemned to face justice.

May the verdict be in your favor, advocates.

Sincerely,

Talal Alasad

President of the International Criminal Court

Glossary:

Narcotics: a drug or other substance that affects mood or behaviour and is consumed for non-medical purposes, especially one sold illegally.

Drug trade: Drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution, and sale of substances that are subject to drug prohibition laws

Inauguration: the beginning or introduction of a system, policy, or period.

Extra judicial: outside of judicial proceedings; beyond the action or authority of a court. Beyond, outside, or against the usual procedure of justice; legally unwarranted. An extrajudicial penalty.

Rome Statute: The Rome Statute is the treaty that established the International Criminal Court (ICC). It defines the court's jurisdiction over the most serious crimes of international concern, including genocide, war crimes, crimes against humanity, and the crime of aggression.

Sovereignty: the concept that refers to a dominant power or supreme authority. In a monarchy, supreme power resides in the sovereign, such as a king or queen. In modern democracies, sovereign power rests with the people and is exercised through representative bodies such as Congress or Parliament.

Rome statute:

Born March 28, 1945, into a family that surrounded him with politics, Rodrigo Duterte, a Filipino lawyer who acquired a degree in political sciences in 1968 from Lyceum of the Philippines University in Manila, and a law degree in 1972 from San Beda College. After establishing his name in the political world, he later joined the Davao City prosecutor's office. It is a government agency that is responsible for the monitoring and prosecution of criminal cases in the city of Davao in the Philippines. This body falls under the Department of Justice and plays a crucial role in the legal system that establishes investigations against the defendants who are brought before it.

On June 30, 2016, Duterte was inaugurated as president of the Republic of the Philippines. During the time of his presidency, the rise of methamphetamine hydrochloride, locally known as "shabu," developed into an increase in drug trade networks in the Philippines and the rise of addicts in the Republic of the Philippines. Rodrigo Duterte had allegedly decided to wage war against drugs within his first six months of his presidency. The increase in security in the Philippines has led to the death of over six thousand Filipinos as a result of police operations. The overwhelming majority were extrajudicial killings by death squads caused by the "war on drugs". The increase in deaths and the mass killing led human rights

groups to deeply condemn the acts that were committed against the Filipino citizens.

The escalation of the conflict led to the International Criminal Court opening a preliminary investigation into the more than 12,000 deaths that had occurred during Rodrigo Duterte's "war on drugs" in February 2018. Rodrigo later retaliated that the Philippines would withdraw from the International Criminal Court. In September 2021, an investigation was opened into the acts that Rodrigo Duterte allegedly committed against the "war on drugs." Finally, Rodrigo Duterte's arrest warrant was released on the seventh of March 2025, and arrested at Manila airport; placed in custody under Philippine law on March 11th of that year. He was later handed over to ICC authorities in the Netherlands.

The case addresses the Amman Quds Model United Nations theme of "Empowering the Excluded" from the side of the prosecution, as the case excludes the thousands of deaths of the Filipinos who had passed away due to the alleged crimes that Rodrigo Duterte had committed, giving a voice to thoughts that are forgotten, during the time of his inauguration. However, shifting the perspective, we can highlight that in the eyes of the defense that Rodrigo Duterte's voice was silenced and excused. In the end, it is up to you as advocates to see whose voice will be empowered and whose voice will be silenced.

Present Context:

The International Criminal Court's (ICC) case against former Philippine President Rodrigo Duterte is one of the most important cases of international justice in Asia. On 11 March 2025, Philippine authorities, working with Interpol, arrested Duterte at

Ninoy Aquino International Airport in Manila, under an ICC warrant for crimes against humanity - specifically murder - allegedly occurring between 1 November 2011 and 16 March 2019. This period covers both his time as mayor of Davao City and as President of the Philippines. The ICC Pre-Trial Chamber found "reasonable grounds" to believe that he was a historical perpetrator of a widespread and systematic attack against civilians using death squads working either on state-backed policy or state institutions.

Duterte's "war on drugs," launched in 2016, has been associated with extrajudicial killings of thousands. The Philippine government reported around 6,200 deaths in drug operations while human rights organizations put estimates between 12,000 and 30,000 deaths, from marginalized groups in poor communities, and typically without due process. From facing the Philippines withdrew from the Statute in March 2019, the ICC may still exercise authority over crimes committed at the time the Philippines was a Party—the withdrawal was effective on 17 March 2019.

This case has wider implications: the ICC has 60 and arrested suspects, since inception, only around 21 accused persons have found themselves in the detention center in The Hague and only 11 with convictions - most of these against African warlords. Therefore, it is monumental that Duterte would be the first detained and transferred former head of state from Asia. Analysts point out that Duterte's arrival is a rare, positive milestone for enforcement, given that the ICC has historically had a definitive lack of success in prosecuting political leaders with significant power.

Regionally, responses in the Philippines are unequivocally polarizing. Some polls by the Social Weather Stations indicate between 49% to 59% citizen approval for the ICC's proceedings, and disapproval ranges from 21% to 27%. Protests have erupted in support of Duterte both locally and abroad since his arrest, citing the arrest warrant as a perceived injustice, though civil society and families of the victims are supportive of the ICC's actions.

Historical context:

## Geographical context:

The Philippines is an island that has made it an international hub for drug trafficking for drug cartels. The Philippines is located near the Pacific and the Indian Ocean. The South China Sea is notably known as the South China Sea. This area is an international hub for trade, fishing, and energy security. This sea has around 50,000 merchant ships that travel and pass through the Philippine waters. The combination of local drug syndicates and gangs that are affiliated with the narcotics use trade and trafficking. The maritime routes allowed for the bulk transport of narcotics and drugs.

## historical political corruption:

The political corruption was normalized extremely to the extent that the government has embedded the political corruption into their political system. Additionally, the elections that are held in the Philippines can be influenced by a capital gain as the corruption that is present in the community. This allowed for the party that has had the most amount of financial capital to be the person in control in the decision that is made. As the use of bribes can help shield the cartels to face a legal sentence on their crimes that they have committed. Additionally, certain funds have been stolen to help fund the drug cartel.

## Socio-economic history:

The rise in economic instability has led to the increase of gangs in the Philippines. As the Philippines heavily relied on the foreign economy and has accumulated large amounts of international debt and has withdrawn funds multiple times from the International Monetary Fund (the IMF). This economic instability leads to an environment of poverty, unemployment, and escalated income inequality. This results in the Philippine citizens resulting in having a life of crime joining gangs and resulting

in the trafficking of drugs, and increasing the amount of crime present in the Philippines to be increased . This made the Philippines a haven for drug cartels and made it a haven for drug trade organizations due to economic instability. Additionally, the ties with other gang members(like from the communist Chinese party) had helped with the smuggling and the trade of drugs.

#### Timeline of Events (YYYY/MM/DD):

- 2016/06/30 - Rodrigo Duterte becomes President of the Philippines: Duterte launches an aggressive nationwide "War on Drugs" that leads to thousands of deaths, particularly among low-income urban communities.
- 2017/09/27 - Duterte Publicly Encourages Killings: In a nationally televised speech, Duterte said: "If you are involved in drugs, I will kill you... I told the police, 'Go ahead, finish them off.'"
- 2018/02 - ICC opens a preliminary examination into crimes against humanity during Duterte's anti-drug campaign.
- 2019/03/17 - Philippines officially withdraws from the Rome Statute, making it no longer a state party to the ICC. However, the Court retains authority over crimes committed between November 1, 2011, and March 16, 2019.
- 2021/09/15 - The ICC Pre-Trial Chamber authorizes a full investigation into the situation in the Philippines, citing reasonable grounds to believe crimes against humanity were committed.

- 2021/11 - The Philippine government requests the ICC to defer its investigation, claiming it is conducting its domestic investigations. The ICC suspends its probe but later rejects the deferral due to insufficient action at the national level.
- 2023/03 - ICC judges authorize the resumption of the investigation, stating that Philippine authorities had failed to demonstrate genuine efforts to investigate or prosecute the crimes.
- 2025/03/11 - Rodrigo Duterte is arrested at Ninoy Aquino International Airport by Philippine authorities, in cooperation with Interpol, and placed in ICC custody.

## Challenges and Stakeholder Dynamics in the ICC Case Against Rodrigo Duterte

### 1. Systemic Obstacles and Power Struggles:

Rodrigo Duterte's case at the International Criminal Court is enmeshed in layers of legal, political, and institutional problems. The primary challenge to the ICC's intentions is the limited enforcement power. The ICC depends on its member states to effectuate arrests and extraditions. For example, Duterte's arrest was realized only because the administration of Ferdinand Marcos Jr. cooperated in March 2025 with the ICC. There was significant international support for Duterte's arrest, but it was also politically motivated to undermine an emerging rival faction within Philippine politics. This faction included Vice President Sara Duterte and was wounded by the Marcos-Duterte political alliance. The timing of the arrest created the impression that civilian justice and due process were more about disrupting the rival faction than restoring justice after terrible abuse. Furthermore, the ICC has, and continues to have, questions about its credibility. Historically, the institution has been accused of 'selective' justice. The ICC has mostly taken authority over leaders from Africa and other countries in the Global South while avoiding

enforcement of justice against Western leaders implicated in unlawful actions. The Duterte case presents a moment for the Court to demonstrate that it is a legitimate justice institution acting impartially in Asia, provided it proceeds with transparency in the legal process and maintains independence from political power.

## 2. Roles of Key Stakeholders

### a) States and Intergovernmental Organizations (IGOs):

The Philippine government plays a significant role in enabling or obstructing ICC proceedings. The Marcos Jr. administration has been more supportive and cooperative towards the ICC than, for instance, the Duterte administration, which withdrew unilaterally from the Rome Statute in 2019. That said, the ICC still has authority over crimes committed before withdrawal became effective.

Other ASEAN countries (Indonesia and Thailand) typically harbor distrust toward the ICC. China, not an ICC member, publicly condemned the arrest and labeled it as Western legal overreach. This has bearing on the whole region where international institutions and systems of accountability are seen as forcing "foreign" norms of accountability on sovereign governments.

### b) NGOs and Civil Society:

NGOs were also key in evidence documentation, advocacy for victims' participation, as well as maintaining international attention to the case. Human Rights Watch, the Philippines-based Families of the Victims, and Amnesty International are among the key organizations that contributed to the documentation and data on extrajudicial killing to be used for judicial accountability. Philippine civil society is mixed. Public opinion on the ICC is divided. Some support the ICC, perceiving it as an opportunity for justice in an unaccountable system. There are also some who oppose, most particularly Duterte loyalists who claim that it constitutes a neocolonial intervention or a political agenda. Surveys in early 2025 indicate that approximately 51% of Filipinos are in support of the case, while 25% are against it.

### c) Private Sector:

While not directly involved, the private sector is watching closely. International investors typically favor political stability and compliance with rule-of-law norms. Some analysts contend that cooperation with ICC builds investor confidence in the Philippines by signaling the country's commitment to international standards.

### 3. Geopolitical, Economic, and Technological Crossroads

The case is positioned at the crossroads of many intersecting forces. Geopolitically, it puts the Philippines on the world stage and tests ASEAN's traditional policy of non-interference, while also evaluating the tenuous balance between respecting sovereignty and enforcing human rights.

Economically, the Philippines is contending with inflation, high unemployment, and political instability. The ICC case may heap pressure on the Marcos administration, although the public pressure may also serve to re-establish institutional credentials after several years of populist governance under Duterte.

Technologically, the case has been complicated by misinformation campaigns and conflicting digital narratives, along with the ongoing manipulation on social media platforms has added to the level of polarization. For example, pro-Duterte narratives dominate several online platforms, growing distrust of the ICC, and promoting the process as a Westernized attack. This sort of rhetoric ruptures civic engagement and exploitive, meaningful public debate. At the same time, technology continues to offer opportunities in several areas for the ICC and NGOs to collect and manage evidence, engage victims, and potentially coordinate legal responsibilities, which can be understood as both a supporting and hindering characteristic to this case.

### 4. Complexity and Risk of Politicization:

The principle of complementarity, whereby the ICC will intervene only when national systems are not willing or are unable to, takes center stage in this case. The Philippine justice system has failed to prosecute the high-level actors complicit in the drug war. As a result, the ICC may justify its intervention. However, an

important caveat is that, even though Marcos Jr. is perceived to be using the court to neutralize political opponents, there is a danger that this perception may undermine the legitimacy of the process at a fundamental level.

To legitimize its actions, the ICC will need to demonstrate that it is pursuing justice for the sake of justice, and not merely to gain political advantage. If Duterte is allowed interim release or the charges are dropped, due to procedural flaws or insufficient evidence, the international justice system's credibility may suffer irreversible damage.

#### Practical, Political, and Economic Challenges to Implementation:

Enforcing justice in the Duterte case is faced with serious practical, political, and economic challenges both domestically and internationally. One of the most immediate practical impediments is the lack of domestic legal capacity. The Philippine justice system has complicitly sustained impunity, especially for law enforcement and political elite figures. Courts are often backlogged, witness protection is limited, and evidence collection is plagued by fear and corruption, compounded by political interference. These shortcomings have made it impossible to prosecute and convict domestic officials at an elevated level for extrajudicial killings, justifying the ICC's need to intervene based on "complementarity." Nevertheless, if there are no proper local mechanisms to build on, then here too international solutions cannot be maintained without strengthening local institutions.

Politically speaking, interaction with the ICC is highly polarizing. Although President Ferdinand Marcos Jr.'s government agreed to Duterte's extradition to face trial before the ICC, Duterte supporters, as well as nationalist politicians who believed international proceedings constituted an affront to Filipino national sovereignty, ty opposed this move strongly. Such domestic political polarization is against typical interaction with international proceedings, as well as repelling further interaction. In addition, regional states such as Indonesia, as well as Thailand, have reacted negatively to ICC interference in internal affairs due to concerns of selective justice

as well as neocolonialism. This is a regional difficulty for concerted action towards reform of the law or shared efforts at accountability in Southeast Asia.

Economically, it is costly to conduct international trials. The ICC consumes huge resources for investigation, trial from the bench, victim assistance, as well as outreach. The Court budget is limited, as well as based on voluntary contributions of its members, the vast majority of whom are politically divided on what it is. In the Philippines, a sick economy with a high inflation rate and unemployment is a compounded blow. Diversion of public funds towards international commitments to justice can generate backlash, especially when country-based social services are in the red. This raises justice mechanisms without clear funding sources, such as dedicated international grants or hybrid court partnerships.

Capacity development also makes up a long-term justice requirement. The international institutions like the United Nations Development Programme (UNDP) and Office of the High Commissioner for Human Rights (OHCHR) also provide main operations of training of jurists, facilitation of handling of evidence, as well as victim-centric justice proceedings. Nevertheless, these operations tend to need harmonization with numerous actors whose agendas range and time scales conflict. Inconsistent donor support, overlapping mandates, as well as limited absorptive capacities in the area also restrict impact.

Although Duterte's ICC case is a standard for global accountability, implementation of justice is constrained by institutional fragility of institutions, political retribution, financial constraint, as well as divergent regional support. It will require more than international criticism alone to overcome these inhibitors, including a long-term investment in ground capabilities with additional diplomatic coordination.

International interactions:

International Criminal Court (arrest warrant 2025): the arrest warrant called for the immediate arrest of the former president. The International Criminal Court had launched a critical investigation into Rodrigo Duterte's alleged actions that violate

the Rome Statute. The arrest warrant called for his trial in front of the ICC, which is yet to be held in September 2025.

Human rights council(resolution/HRC/41/L.20) : the resolution was passed on 2019.The resolution had called for the committee to seek action on the alleged waging of Philippine President Rodrigo Duterte's "war on drugs". That has killed thousands of people over the last three years, which caused the human rights violations that took place

U.S. Senate Resolution (S.Res.142, 2019): A resolution condemning the Government of the Philippines for its continued detention of Senator Leila De Lima. She opposed the war on drugs and had conducted multiple investigations on the "war on drugs". The resolution called for her immediate release and other purposes.

The United Nations Office on Drugs and Crime (UNODC): The UNODC has established numerous efforts in the conflict in the Philippines. The UNODC had created multiple drug control efforts that helped in limiting the use of drugs in the conflict. All these actions were taken during the time of the war on drugs.

The International Narcotics Control Board (2017) denounced suspected extrajudicial executions connected to the Duterte administration's war on drugs. Highlighting how these crimes go against international drug control agreements that call for just and humane criminal justice responses, including protections for due process. The INCB has formally requested entry into the Philippines to carry out a monitoring mission on these issues, and in later sessions, it has reaffirmed its concerns to help deescalate the situation at the time.

Charges:

(Note :\*The defendant Rodrigo Duterte is being charged with only the following charges that are found under the [Rome Statute](#):\*)

Article 5:

1 Crimes within the jurisdiction of the Court

(b) Crimes against humanity;

Article 7 Crimes against humanity

1. For this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

### Guiding questions:

- What is the reason why Rodrigo Duterte allegedly waged the war on drugs?
- Why did Rodrigo Duterte allegedly decide to react harshly?
- Did the Philippine government allegedly allow this act to happen?
- Was there anyone else responsible for this war on drugs?
- Was it the initial intention of Rodrigo Duterte to allegedly take the situation this far?
- How did Rodrigo Duterte allegedly get the approval of such a decision?

### Resources for delegate use:

- <https://www.icc-cpi.int/philippines/duterte> (This is the primary source for all official documents related to the ICC's case against Duterte—arrest warrants, procedural status, charges, and jurisdiction updates. Essential for referencing legal facts, timelines, and ICC decisions.)
- <https://www.hrw.org/tag/philippines-war-on-drugs> (HRW provides extensive documentation of extrajudicial killings, victim testimonies, and government abuses. A critical source for understanding why the ICC intervened and the scale of alleged crimes under Duterte.)
- <https://www.amnesty.org/en/latest/news/2025/03/philippines-former-president-dutertes-arrest-a-monumental-step-for-justice/> (Provides the most recent reaction to Duterte's arrest, placing it in the context of victims' rights and international justice. Excellent for understanding civil society expectations and the symbolic weight of the ICC's action.)
- <https://www.brookings.edu/articles/why-did-the-philippines-turn-over-its-former-president-to-the-icc/> (An in-depth policy analysis explaining the political motivations behind Duterte's handover by the Marcos administration. Useful for understanding domestic power shifts and geopolitical implications.)

- <https://www.justsecurity.org/109118/duterte-icc-justice-philippines/> (Breaks down the legal basis of the ICC's case, implementation challenges, and what this case means for international accountability frameworks. Great for legal and academic framing.)
- <https://www.globalpolicyjournal.com/blog/26/03/2025/duterte-and-international-criminal-court-trial-global-implications> (Focuses on the broader significance of the case in global justice and ICC legitimacy. Ideal for delegates who want to discuss precedents and long-term impact.)
- <https://www.coalitionfortheicc.org/news/20190315/philippines-leaves-icc> (Explains the legal and political context of the Philippines' withdrawal from the ICC in 2019, and why the ICC still has jurisdiction over crimes committed before then. Key for clarifying complementarity and legal timelines.)
- <https://www.britannica.com/topic/Rodrigo-Duterte> (Provides a concise, neutral biography of Duterte's life, career, and presidency. Helpful for background sections in position papers or speeches when introducing the case or individual.)

Resources used by chair:

- <https://www.icc-cpi.int/news/situation-philippines-rodrigo-roa-duterte-icc-custody>
- <https://fulcrum.sg/rodrigo-dutertes-trial-before-the-international-criminal-court-unprecedented/>

- <https://www.hrw.org/news/2023/01/12/philippines-no-letup-drug-war-under-marcos>
  - <https://www.reuters.com/world/asia-pacific/what-is-international-criminal-court-that-prompted-dutertes-arrest-2025-03-11/>
  - <https://www.benarnews.org/english/news/philippine/philippines-rodrigo-duterte-arrest-may-elections-03192025145850.html>
  - <https://www.unav.edu/web/global-affairs/caught-in-the-crossfire-duterte-icc-case>
  - [https://www.eai.or.kr/new/en/project/view.asp?board=eng\\_issuebriefing&intSeq=23109](https://www.eai.or.kr/new/en/project/view.asp?board=eng_issuebriefing&intSeq=23109)
  - <https://www.bworldonline.com/the-nation/2025/03/23/661107/icc-trial-unlikely-to-affect-investor-sentiment/>
- <https://www.wsj.com/world/asia/philippines-duterte-marcos-family-feud-584410d3>