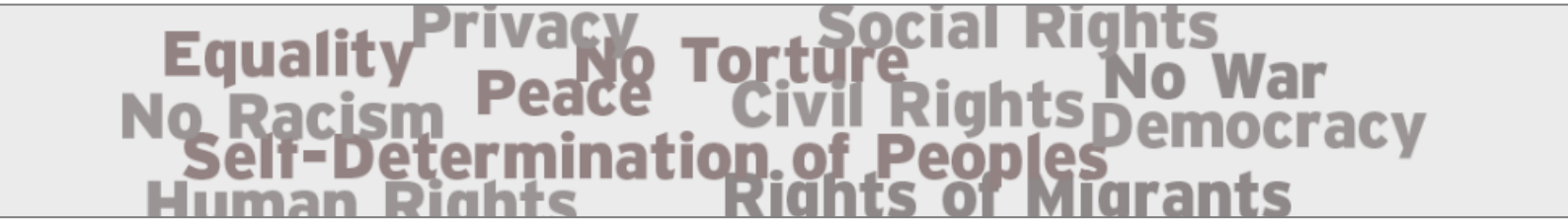
ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt
EJDH Asociacion Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo
EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme
EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo



Bologna, Donostia, Düsseldorf, Vienna, 30/11/2026

ELDH Statement on the Opening of the Duterte Trial before the International Criminal Court

The Hague, 30 November 2026 – The European Association of Lawyers for Democracy and World Human Rights (ELDH) welcomes the opening of the trial of Rodrigo Roa Duterte before Trial Chamber III of the International Criminal Court (ICC).

Our organisation is an association of European lawyers committed to the rule of law, democracy, human rights and international criminal justice. As part of our human rights work in the Philippines, ELDH representatives have met with people, including lawyers, paralegals, judges and the families affected by the 'war on drugs'. This practical experience and our commitment to international criminal justice form the basis of our statement.

On 23 April 2026, the Pre-Trial Chamber I confirmed all three counts of crimes against humanity involving murder and attempted murder and committed the case to trial. In a separate decision dated 28 September 2026 and made public on 8 October, Trial Chamber III found Duterte fit to stand trial. This is the first proceedings before the Court against a former Asian head of state.

I. Why this Trial Matters

FOR THE VICTIMS: Thousands of families have lost loved ones in the "war on drugs". The trial offers victims an opportunity to be heard before an international court. According to the Court's November case information sheet, 539 victims had been authorised to participate in the proceedings through common legal representatives. Many have remained silent for years because they feared reprisals under the Duterte administration.

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FOR THE ICC ITSELF: The Court is currently under unprecedented political pressure from the U.S. and other States. Successfully conducting proceedings against a former head of state would send a strong signal: **No one is above the law, and the Court can fulfil its mandate even in the face of opposition.** Amnesty International describes this trial as a "crucial test for the future of international accountability."[1]

FOR INTERNATIONAL CRIMINAL JUSTICE AS A WHOLE: If the Court succeeds in conducting proceedings against a former head of state, this would strengthen the deterrent effect of the international criminal justice system. Political interference in the proceedings would undermine the Court's independence and reputation- especially at a time when the Court is already under pressure.

II. Substantive allegations and standard of proof

The charges concern alleged crimes committed in the Philippines between 1 November 2011 and 16 March 2019) in the context of the 'war on drugs'. The prosecution alleges that these crimes formed part of a widespread and systematic attack directed against the civilian population (Art. 7(1)(a) Rome Statute). The Prosecution plans to call approximately one hundred witnesses; more than five hundred victims have been admitted through common legal representatives.

Our organisation considers this trial an important step towards accountability for the killings carried out in the context of the 'war on drugs'. The proceedings will examine the Prosecution's allegations that murder and attempted murder formed part of a widespread or systematic attack directed against civilians, and that Duterte bears individual criminal responsibility for the crimes charged. The Chamber will determine whether the charges have been proved beyond reasonable doubt.

III. Significance for international criminal law and observation of the proceedings

The Court is exposed to political attacks and threats of sanctions. The best response to these is judgments of unimpeachable legal quality. The fact that the Court is nonetheless opening these proceedings and thereby preserving the opportunity to hold a potentially responsible individual accountable is an important signal: the path of law remains open even when political resistance is great.

Representatives of our organisation will attend the trial as observers. In doing so, we aim to document the transparency and fairness of the proceedings and to contribute to reliable public information about their conduct. We will evaluate and publish our observations in an appropriate form.

ELDH calls on the Chamber and the parties to facilitate effective victim participation in accordance with the Rome Statute. It calls on the international community to respect the Court's judicial independence;

We will closely monitor the conduct of the trial and reserve the right to issue further statements.

[1] See Amnesty UK's statement: https://www.amnesty.org.uk/latest/philippines-duterte-trial-a-defining-test-for-justice-accountability-and-future-of-the-icc/