

1 International Criminal Court  
2 Pre-Trial Chamber I  
3 Situation: Republic of the Philippines  
4 In the case of The Prosecutor v. Rodrigo Roa Duterte - ICC-01/21-01/25  
5 Presiding Judge Iulia Antoanella Motoc, Judge Reine Adélaïde Sophie  
6 Alapini-Gansou and Judge María del Socorro Flores Liera  
7 Confirmation of Charges Hearing - Courtroom 1  
8 Tuesday, 24 February 2026  
9 (The hearing starts in open session at 10.01 a.m.)  
10 THE COURT USHER: [10:01:50] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE MOTOC: [10:02:17](Interpretation) Good morning, everyone.  
14 I'd like to once again welcome everyone here in the courtroom.  
15 And, Madam Court Officer, if you could please call the case.  
16 THE COURT OFFICER: [10:02:38] Good morning, Madam President, your Honours.  
17 Situation in the Republic of the Philippines, in the case of The Prosecutor versus  
18 Rodrigo Roa Duterte, case reference ICC-01/21-01/25.  
19 And, for the record, we are in open session.  
20 PRESIDING JUDGE MOTOC: [10:02:58](Interpretation) Thank you very much.  
21 I would now like to call upon parties and participants to confirm that the people here  
22 in the courtroom are the same as the ones present yesterday. Mr Prosecutor.  
23 MR NIANG: [10:03:14](Interpretation) Good morning, Madam President, your  
24 Honours. There are a few changes in the composition of the OTP team today. I'm  
25 here representing the office, as was the case yesterday. Beside me is Julian Nicholls,

1 senior trial lawyer. He was here yesterday. I also have Edward Jeremy with me,  
2 trial lawyer; Robynne Croft, trial lawyer; Eun Gyo Jeong, associate trial lawyer;  
3 Sylvie Wakchom, associate trial lawyer; lawyer -- and, finally, James Miriti, our case  
4 manager. Thank you.

5 PRESIDING JUDGE MOTOC: [10:04:12](Interpretation) Thank you very much,  
6 Mr Prosecutor. Legal representatives of victims.

7 MS MASSIDA: [10:04:16](Interpretation) Good morning, Madam President. Only  
8 one change on our team. We have one change -- a defection, actually. One of our  
9 team members could not be with us actually.

10 PRESIDING JUDGE MOTOC: [10:04:25](No interpretation)

11 MR KAUFMAN: [10:04:37](Interpretation) Good morning, Madam President.

12 Good morning, your Honours. We are exactly the same composition today, and we  
13 are once again ably assisted and supported by our Filipino colleagues in the gallery.

14 PRESIDING JUDGE MOTOC: [10:04:45](Interpretation) Thank you very much.

15 Now, Mr Prosecutor, you may now address the Court regarding submissions on the  
16 merits.

17 MR NIANG: [10:04:57](Interpretation) It is Mr Jeremy who will be giving this  
18 presentation.

19 MR JEREMY: [10:05:04] Thank you, Madam President, your Honours. Dear  
20 colleagues, my name is Edward Jeremy and over the next 45 minutes or so, I will  
21 focus on some of the evidence that demonstrates Mr Duterte's responsibility for the  
22 crimes charged in counts 2 and 3.

23 My presentation will comprise two parts: Part 1 will focus on the crimes charged in  
24 count 2 and, as you know, this count relates to the murders of 14 so-called high-value  
25 targets; and, part 2 will focus on examples of crimes charged in count 3, and this

1 count relates to murders and attempted murders of 45 victims in the course of  
2 *barangay*, or neighbourhood, clearance operations.

3 First, your Honours, a brief introduction. As Mr Nicholls made clear yesterday,  
4 Mr Duterte campaigned for the presidency that -- on the basis that, if elected, he  
5 would implement his Davao model of killing on a national scale. And once sworn in  
6 as President of the Philippines on 30 June 2016, this is exactly what he did. One  
7 insider witness explained what applying the Davao model nationwide meant in  
8 practice, and this is tab 49.

9 As we see on our screens, evidence channel 2, this witness stated, quote:

10 "It means that he wants to apply how Davao addresses the drug problem in a national  
11 scope, the whole country. It means that ... zero tolerance on drugs. And what I  
12 understood is that we have to eliminate, neutralise drug pushers just as [...] in Davao."

13 And as we have heard, this Davao model also included the payments of rewards for  
14 such killings. And as president, Mr Duterte expanded and replicated this Davao  
15 model across the Philippines, working together with many of the same people, his  
16 co-perpetrators, following the same plan, and using the same methods.

17 On becoming president, Mr Duterte appointed his co-perpetrators from Davao, a  
18 number of whom Mr Nicholls introduced yesterday, to senior positions in the police  
19 and the government. And in these high-level positions, Mr Duterte and his  
20 co-perpetrators had authority over thousands of state personnel, including those that  
21 formed the National Network that the co-perpetrators used to carry out the charged  
22 crimes, as Ms Croft will shortly describe in more detail.

23 Your Honours, central to this plan to carry out the charged crimes was the formal  
24 national anti-illegal drugs campaign in the Philippines, and this campaign was  
25 launched through a document titled "Command Memorandum Circular No. 16-2016".

1 This was issued by newly appointed PNP chief Ronald Dela Rosa on 1 July 2016, the  
2 first full day of Mr Duterte's presidency.

3 On our screens we see the first and last page of this document, and this is tab 112 of  
4 our binder.

5 We see that the subject is, quote:

6 "PNP Anti-Illegal Drugs Campaign Plan - Project: 'Double Barrel'".

7 And we see it is dated 1 July 2016.

8 On the first page there are a series of supporting references for this memorandum,  
9 and the first foundational reference is the quote:

10 "Pronouncement of President Rodrigo R Duterte to get rid of illegal drugs during the  
11 first six months of his term".

12 And yesterday we heard multiple examples of the violent nature of those  
13 pronouncements and speeches.

14 If we focus on the last page of this document, page 18, we see that the distribution list  
15 comprised the highest levels of law enforcement in the Philippines. And on the right  
16 side, we see it is signed by Ronald M Dela Rosa, Philippine National Police, the PNP.

17 And your Honours will look now at some parts of this document, which essentially  
18 sets out general guidelines for the implementation of this project Double Barrel.

19 Focusing first on the execution of this project Double Barrel, we see on page -- in  
20 paragraph 5, now on our screens, as follows:

21 "The PNP intends to equally address illegal drug problems in the barangays and at  
22 the same time pursue the neutralization of illegal drug personalities as well as the  
23 backbone of illegal drugs network operating in the country."

24 And your Honours will note the use of this word "neutralization". While on its face  
25 this word may be open to interpretation, insider witnesses provide evidence that

1 within law enforcement within The Netherlands -- within the Philippines, forgive me,  
2 to "neutralize" meant to kill. Notably, one insider witness explained the significance  
3 of the use of this word "neutralize" in this command memorandum. And that's  
4 tab 54.

5 The witness stated as follows, quote:

6 "[T]hey use the word neutralize [...] to emphasise the kill order of President Duterte.  
7 [...] Because that is the promise of President Duterte *even* before the campaign".

8 And, your Honours, the sprinkling of references to human rights in this document  
9 should be viewed in this context.

10 Moving on to the concept of operations, this is set out on page 3 of this memorandum,  
11 as follows, quote:

12 "The PNP Anti-Illegal Drugs Campaign Plan - Project "Double Barrel" will be  
13 conducted in a two-pronged approach, namely: Project Tokhang and Project HVT."  
14 The first prong, or barrel, Project Tokhang, focused on the clearance of the drug  
15 affected *barangays*. And this relates to count 3, which I will discuss shortly in the  
16 second part of my presentation.

17 The second barrel, which relates to count 2, was Project HVT, or high-value target,  
18 which I will focus on now.

19 Turning to page 6 of this document, we read as follows:

20 "[...] Project HVT is a massive and reinvigorated conduct of anti-illegal drugs  
21 operations targeting illegal drugs personalities and drug syndicates."

22 And as your Honours are aware, it was in the course of this Project HVT that the  
23 prosecution alleges the 14 victims of count 2 were murdered.

24 Many of the high-value target victims of count 2 incidents were included in charts  
25 and lists that Mr Duterte showed during public, often televised, appearances and

1 speeches. And just as he did in Davao, as president, Mr Duterte publicly named  
2 persons he alleged were involved in drugs, and many of those would end up as  
3 victims in his so-called war on drugs.

4 For example, on 7 August 2016, Mr Duterte held a televised press conference in  
5 Davao City during which he named 150 public officials who he claimed were  
6 involved in the drug trade. These included Albuera Mayor Rolando Espinosa and  
7 Ozamiz Mayor Reynaldo Parojinog, as well as various members of the Parojinog  
8 family.

9 This speech is at tab 31 and we'll play two clips of that now.

10 (Viewing of the video excerpt)

11 MR JEREMY: [10:15:46] "Wherever you go, I will be waiting for you. Even if I'm no  
12 longer president, as long as I have a gun."

13 And, indeed, as your Honours are aware, Mr Duterte did not need to wait long. On  
14 5 November 2016, Mayor Espinosa was murdered. That's charged incident 13. Then,  
15 on 30 July 2017, Mayor Parojinog, together with a number of others, was also  
16 murdered. That's charged incident 14.

17 And during the same speech that we just saw, Mr Duterte emphasised his direct  
18 involvement in the preparation of this list, as follows.

19 (Viewing of the video excerpt)

20 MR JEREMY: [10:16:50] This list was subsequently published by the media who  
21 referred to it as the "Narco List" or, as we see from the article on our screens, simply  
22 the "Duterte list".

23 Your Honours, Mr Duterte continued to flaunt his list of so-called high-value targets.  
24 Perhaps the most significant of these lists was the President Rodrigo Roa Duterte list,  
25 or the PRRD list for short, and that's at tab 48 of our list of materials. Your Honours,

1 this was basically an Excel-style spreadsheet that listed persons alleged to be  
2 high-value targets.

3 The slide now on our screens shows the first page of the PRRD list, which includes  
4 photos of various persons designated, alleged to be high-value targets, and at the  
5 bottom of this list are a series of different tabs, some of which have been enlarged on  
6 our screens. And, as we see, they include different regions of the Philippines, and  
7 within these tabs are lists of names and identifying information of persons alleged to  
8 be high-value targets. And the persons included in this PRRD list were also  
9 assigned different levels, as set out in our PCB, in our brief, paragraph 99.

10 As we see from the slide now on our screens, these levels range from 1 to 5. At the  
11 lowest, level 1, this included lower level government and police, as well as street-level  
12 pushers. And at the highest level, 5, this represented the highest value targets, drug  
13 wholesalers, financiers and high-ranking police officers.

14 Consistent with the Davao model of killing, rewards were also paid when a  
15 high-value target was neutralised, meaning killed. And this evidence is set out at  
16 paragraph 52 and 99 of our brief. These rewards were not part of the regular PNP  
17 budget, but were provided by Mr Duterte, who also publicly offered perpetrators  
18 rewards for killing.

19 Your Honours, to sum up the significance of the PRRD list, I turn to the words of  
20 another insider witness, and this is tab 54. Quote:

21 "[T]his [list] was used by the police in their operations. And if you are in the list, you  
22 will be the subject for police operations. And most of the time, the people on the list  
23 are killed. [...] So basically, the PRRD list is [...] a dead list."

24 Mr Duterte publicly paraded this PRRD list on multiple occasions. For example,  
25 during another televised speech on 2 February 2017, tab 111, he stated the following.

1 (Viewing of the video excerpt)

2 MR JEREMY: [10:20:16] And in this same speech, we'll shortly see Mr Duterte  
3 holding another page of this PRRD list, reacting to criticisms based on human rights  
4 in relation to his so-called war on drugs.

5 (Viewing of the video excerpt)

6 MR JEREMY: [10:20:51] And, your Honours, on this issue of human rights, as  
7 Mr Nicholls explained yesterday, during his speeches in Davao, Mr Duterte,  
8 well-versed in the law, would occasionally seek to legitimise his encouragement of  
9 state violence by references to human rights and self-defence, and he continued to do  
10 so as president.

11 For example, as we will see in the next clip, during a speech on 20 September 2016,  
12 which is at tab 130, he stated the following.

13 (Viewing of the video excerpt)

14 MR JEREMY: [10:22:12] So that was Mr Duterte's message to the military and to the  
15 police: Kill, whether or not your target pulls a gun, and I will protect you.

16 And, your Honours, as we will now hear during the same speech, in case there was  
17 any doubt, Mr Duterte made it very clear that this promise of protection related not  
18 only to lawful killings.

19 (Viewing of the video excerpt)

20 MR JEREMY: [10:23:17] And, your Honours, as was so often the case, Mr Duterte's  
21 message was repeated and amplified in the media, as we see in the next slide, which  
22 is tab 88, which reads as follows, quote:

23 "Duterte to troops: Massacre criminals, I'll promote you" with the byline "In the same  
24 speech, Duterte tells soldiers he will never order them to do anything illegal".

25 And this was the pattern, your Honours. Out of one side of his mouth, quietly,

1 occasionally, he would speak about self-defence. This was Mr Duterte, the lawyer,  
2 keenly aware of his own legal jeopardy, especially once he was no longer president.  
3 And out of the other side of his mouth, loudly, frequently, he would say: Kill, and I  
4 will protect you, I will pardon you, and I will promote you.

5 And this was Mr Duterte, the strongman president, who orders the murders of drug  
6 lords and alleged criminals.

7 And, as the charged incidents demonstrate, Mr Duterte's co-perpetrators, as well as  
8 the police on the streets, understood his message to kill loud and clear.

9 As an example, your Honours, I will focus briefly now on incident number 13.

10 You will recall that on assuming his presidency, Mr Duterte publicly expressed his  
11 frustration with mayors who he alleged were involved in the drug trade, including  
12 Mayor Espinosa. On 1 August 2016, he gave Mayor Espinosa, then mayor of  
13 Albuera, 24 hours to surrender to the police. On the following day, Mayor Espinosa  
14 did surrender to PNP chief, Ronald Bato Dela Rosa. In a public speech on  
15 5 August 2016, Mr Duterte stated the following, in reference to Mayor Espinosa's  
16 surrender, and this can be found at tab 129.

17 (Viewing of the video excerpt)

18 MR JEREMY: [10:25:57] On or around 5 November 2016, a few months after  
19 Mr Duterte had him tracked down like a dog, Rolando Espinosa was murdered while  
20 in detention in Leyte Provincial Jail, together with another man, Raul Yap.

21 According to the PNP's official narrative of this incident, there was a shootout  
22 between Espinosa and Yap and officers who attempted to serve search warrants on  
23 them while in prison.

24 By contrast, the evidence demonstrates, as set out in paragraphs 107 to 110 of our  
25 brief, that these men were murdered in their prison cells in a coordinated operation

1 involving various state agents. CCTV was disabled, guns were planted in their cells,  
2 rewards were paid.

3 And as we see on the slide now on our screens, tab 48 of our list of materials, both  
4 Mr Espinosa and Mr Yap were included in the PRRD list, amongst other individuals  
5 whose names have been blurred by the Prosecution.

6 Rolando Espinosa, in the upper row, is recorded as a mayor and alleged to be a drug  
7 lord, indicated as level 4. And Raul Yap, in the lower row, is also alleged to be a  
8 drug lord listed as level 3.

9 The arrest of both men is noted - and this is shown on the right side - then separately  
10 it is noted that they were neutralised. And, in a further indication that to neutralise  
11 meant to kill, as we see here, it is only on the date of their death, 5 November 2016,  
12 that they were noted as neutralised.

13 Additionally in the tab of the PRRD spreadsheet labelled "High Value Targets" now  
14 visible on our screens, there was a photo of Mayor Espinosa. He is the person in the  
15 yellow T-shirt in the second row on the far right side. As you can see from the  
16 enlarged photo, he's been crossed out in red, which, as a witness confirmed, indicates  
17 that he had been killed.

18 And if your Honours look closely at this list, you'll see it appears to be the same list  
19 that Mr Duterte held during a speech on 2 February 2017. And for reference, these  
20 are tabs 48 and 111.

21 Your Honours, following these murders, Mr Duterte continued his public threats.  
22 For example, on 9 February 2017, he stated publicly that mayors involved in illegal  
23 drugs should resign or face death. We'll play an extract of this speech which is at  
24 tab 132 now.

25 (Viewing of the video excerpt)

1 MR JEREMY: [10:29:32] Mr Duterte's message to the mayors could not be clearer: If  
2 your name is in my list, then I'll kill you.

3 And in case anyone watching this speech has any doubt about his intentions,  
4 Mr Duterte goes on to comment on extrajudicial killings. And as he does so, your  
5 Honours will note the nonchalant, casual manner in which he draws his finger across  
6 his throat. Let's play the video.

7 (Viewing of the video excerpt)

8 MR JEREMY: [10:30:18] And in this opulent, gilded presentation room, the officials  
9 laugh along with their president while he boasts about his skills in extrajudicial  
10 killing. And outside on the streets of the Philippines, the bodies pile up.

11 The evidence from one data search shows that as at the dates of this speech,  
12 9 January 2017, almost 1,500 people had been killed in Mr Duterte's so-called war on  
13 drugs. And that's paragraph 73 of our brief.

14 A few months later, in an April 2017 speech, which I won't play, but is at tab 134.2,  
15 Mr Duterte called the deceased Espinosa a, quote, "son of a bitch", and after citing  
16 multiple allegations of murders by the police, he said he would pardon and reinstate  
17 any convicted police officer with a, quote, "promotion two ranks higher", end quote.

18 Your Honours, I move now to the second part of my presentation, the murders and  
19 attempted murders committed during the *barangay* clearance operations. And these  
20 operations were covered by the first barrel of Project Tokhang, which we looked at  
21 earlier.

22 We will briefly return to this document, CMC 16-2016, and the overview of the two  
23 barrels.

24 As the slide on our screen shows, the stated aim of Project Tokhang, just focusing on  
25 the first sentence, was, quote, "accelerating the drive against illegal drugs in affected

1 barangays", end quote.

2 And in practice, your Honours, this meant murdering some of the most vulnerable  
3 members of Filipino society. As witnesses stated, the poor were often targeted  
4 because they were the ones least likely to file complaints against the police.

5 To quote one witness on our next slide, he stated: "It was said that the ones [that] we  
6 had to do the Tokhang operation on had to be poor [...] those who do not have the  
7 means to file a complaint or to complain."

8 Similarly, another witness stated the following: "Based on what we've seen here in the  
9 Philippines, the people that were killed or could be killed were the poor, people with  
10 no means, simple people who were not able to file charges against them."

11 Your Honours, Project Tokhang operations were implemented across the Philippines  
12 in a number of ways, as set out in paragraph 75 of our brief, and these operations  
13 frequently followed the same modus operandi, as we also set out in paragraphs 33  
14 and 114 of our brief, which was as follows: A target was identified, often through the  
15 use of lists, such as barangay lists or police station watch lists. The target was then  
16 murdered in a police operation. Weapons, drugs and money, or a combination  
17 thereof, were then planted at the crime scene. And then the police reports were  
18 repeatedly falsified to legitimate the operations as acts of self-defence. And in this  
19 context, as witnesses explained, the police often used the term "*nanlaban*", which  
20 translates to "fighting back" to describe incidents in which they supposedly shot a  
21 victim in self-defence. These reports were often almost identical. In essence,  
22 copy-paste reports in which victims were frequently blamed for their own deaths.  
23 And finally, unofficial rewards were paid.

24 Your Honours, I will briefly focus on a few of the count 3 incidents to illustrate this  
25 pattern. On the day of his inauguration, 30 June 2016, then President Duterte held a

1 speech in Tondo, Manila, and he directly addressed the public present, including, as  
2 we will see, women and children. For reference, this is tab 127. Let's please play  
3 the clip.

4 (Viewing of the video excerpt)

5 MR JEREMY: [10:35:27] As we see, Mr Duterte's message was clear: "Stay away from  
6 drugs, or I will kill you". And the killing in Tondo began almost immediately  
7 following this speech, as we set out in our brief, paragraphs 100 to 101. I will focus  
8 now on -- and Tondo is visible on our screens -- I will focus now on incident 23, which  
9 also took place in Tondo on or about the night of 4 to 5 October 2016. As your  
10 Honours are aware, the alleged victim of this incident 23 was Benjamin Visda, and  
11 we'll shortly see a video which shows Mr Visda, just before midnight, in a vest, in  
12 handcuffs, forced on to a motorbike between two police officers and driven away.  
13 This is tab 76, and we'll play the video now.

14 (Viewing of the video excerpt)

15 MR JEREMY: [10:36:34] And we see now Mr Visda being forced on to the motorbike  
16 between the two police officers and as he is being driven away, we see women and  
17 children chasing after him, no doubt terrified about what would happen next.  
18 And around 20 minutes later, your Honours, Mr Visda was dead, shot multiple times  
19 in the head by police officers. A witness described the scene - and your Honours, the  
20 next slide will be a graphic image, and for reference this is tab 77 - the witness stated:  
21 "The victim [...] was lying on the street in handcuffs and was dead. He [...] been shot  
22 in the head seven or eight times."  
23 End quote.

24 The official account of this incident was recorded in a police report known as a "spot  
25 report" dated 5 October 2016. This is tab 65. And this report, an extract of which is

1 on the screen, stated that Mr Visda was killed by the police in self-defence after he  
2 snatched the firearm of a police officer while he was on a motorbike, while wearing  
3 handcuffs, and he shot at the police but missed.

4 Your Honours, as demonstrated by the evidence in paragraph 126 of our brief, this  
5 narrative is false. Benjamin Visda did not fight back. He was murdered.

6 Your Honours, Project Tokhang was also carried out through One Time Big Time, or  
7 OTBT operations, and these were large-scale, high-intensity police operations that  
8 often resulted in multiple murders. One such operation took place in Bulacan,  
9 shown on our screens, between 15 and 16 August 2017. In August 2017, the police  
10 made a press release regarding their recent operations, which noted that 32 people  
11 were killed by the police in simultaneous One Time Big Time operations from 15 to  
12 16 August 2017. This press release, which can be found at tab 108, is visible on our  
13 screens. In the headline, we read:

14 "32 Killed, 107 arrested as Firearms, Grenades and Numerous Illegal Drugs were  
15 seized in Bulacan PNP Simultaneous Big Time Operations".

16 I am focusing, your Honours, on the paragraph at the bottom of the screen, we see  
17 that the deaths of these 32 people were recorded as "significant results", "intensified  
18 campaign against illegal drugs, otherwise known as 'Project Double Barrel Reloaded'".  
19 And this was essentially a reinvigorated version of Project Double Barrel, as set out in  
20 our brief, footnote 37. And the press release goes on to name the 32 victims of this  
21 operation, which included three victims who are victims of charged incidents 28 and  
22 29 in this case, who were murdered, consistent with the pattern of the other incidents  
23 in count 3, as set out in paragraphs 131 to 132 of our brief.

24 Your Honours, 32 individuals killed by the police in Bulacan in a 24-hour period.  
25 You would imagine this would be a major national incident. So how did Mr Duterte

1 react to this shocking news? Let's hear what he said and, for reference, this is  
2 tab 147.

3 (Viewing of the video excerpt)

4 MR JEREMY: [10:41:09] So, that was the president's message in response to the  
5 death of 32 Filipinos in a single day. He essentially said to the police, "Well done,  
6 keep going, let's kill another 32 every day".

7 And, your Honours, in this context, as you would expect, the killings went on and on.  
8 This phase of One Time Big Time operations continued until around 18 August 2017,  
9 resulting in many more deaths. As one witness stated, "It was hunting season, a  
10 killing spree", and that's at tab 77. And on the evening of 16 August, in the midst of  
11 this killing spree, perhaps at the same time as Mr Duterte's speech in Bulacan, a  
12 17-year-old child, named Kian Delos Santos, was murdered in Caloocan, the location  
13 of which is marked on our screens and this is charged incident 30. As usual, the  
14 police claimed that Kian Delos Santos shot at them and they were forced to shoot him  
15 dead in self-defence. Another victim blamed for his death.

16 As set out in our brief, paragraph 133, this account is contradicted by CCTV footage,  
17 showing police dragging the child across the ground and other evidence shows that  
18 after pleading for his life, he was shot twice in the head. And the next slide is a  
19 graphic image, your Honours, and that's tab 151.

20 On our screens we see the tragic image of the body of the 17-year-old child, Kian  
21 Delos Santos.

22 As noted in our brief, paragraph 56, this brutal murder led to a massive public outcry  
23 across the Philippines. And in these circumstances, exceptionally, the direct  
24 perpetrators of these murders were prosecuted and they were imprisoned. In the  
25 face of this public outcry, Mr Duterte was forced to temporarily withdraw police from

1 drug operations from 10 October to 4 December 2017. This led to a reduction in the  
2 frequency of killings.

3 In announcing this temporary withdrawal, Mr Duterte sarcastically stated that he  
4 hoped that this would satisfy "bleeding hearts and the media". And, in this way, he  
5 publicly communicated that this was not a genuine effort to prevent crime but, rather,  
6 a temporary attempt to placate public criticism. Less than two months later,  
7 Mr Duterte decided to once again scale-up operations, he ordered the PNP back into  
8 the campaign and the killings once again intensified.

9 And, your Honours, regrettably, children continued to be the victims of these killings.  
10 Your Honours will recall that at the very start of his presidency, Mr Duterte gave a  
11 speech in Tondo, and we saw a part of it earlier. This is tab 127 on our list of  
12 materials, and we'll watch another portion of that speech now.

13 (Viewing of the video excerpt)

14 MR JEREMY: [10:44:51] "If it's someone's child, be the killer yourself. If someone's  
15 child is the addict, [then] you be the one to kill ..."

16 Your Honours, it's worth pausing here, taking a step back and reflecting on what we  
17 are seeing and what we are hearing. This is the president of the Philippines, the  
18 commander-in-chief, the most powerful man in the Philippines. He's pointing  
19 directly at the crowd and he is telling them to kill someone else's child -- kill them, not  
20 because they are an alleged drug lord, not even an alleged criminal, but simply  
21 because they may have an addiction to drugs.

22 This is an example, perhaps, of what the Defence described yesterday as Mr Duterte  
23 speaking "openly from the heart, sincerely and truthfully". And that's transcript 4,  
24 page 37, lines 15 to 16.

25 And during an earlier part of the same speech, Mr Duterte also boasted that during

1 his presidency, funeral homes would make a lot of money. Let's play that clip.

2 (Viewing of the video excerpt)

3 MR JEREMY: [10:46:58] So, again, here's the president assuring funeral homes that if  
4 their business declines, he will "tell the police hurry up a little so people can make  
5 money from their business". And he stressed very clearly he was "not joking". And,  
6 as my friend said yesterday, transcript 4, page 30, lines 18 to 19, "For President Rody,  
7 his word was his word and the people knew it".

8 In this context, to conclude, I will focus briefly on incidents 38 and 45. As your  
9 Honours know, in the course of these incidents which occurred during 2018, on two  
10 separate occasions the police detained a child aged around 14 or 15 years old. On  
11 each occasion, the police wrapped the child's head in packing tape so no one could  
12 hear them scream, and then strangled the child to death with wire.

13 It's difficult to imagine a more terrifying end to two lives that had barely even begun.  
14 These murdered children were then sold to funeral homes who profited from their  
15 bodies, as explained in paragraphs 142 and 150 of our brief.

16 Your Honours, dead children, police ensuring that funeral homes made money.

17 Mr Duterte indeed was not joking.

18 Thank you, your Honours, this concludes my presentation and I will now hand over  
19 to Ms Croft.

20 PRESIDING JUDGE MOTOC: [10:49:01](Interpretation) Thank you very much,

21 Mr Prosecutor, for your presentation. I think we are going to observe a break of  
22 40 minutes, up to 11.30 a.m.

23 Thank you very much.

24 THE COURT USHER: [10:49:20] All rise.

25 (Recess taken at 10.49 a.m.)

1 (Upon resuming in open session at 11.35 a.m.)

2 THE COURT USHER: [11:35:35] All rise.

3 Please be seated.

4 PRESIDING JUDGE MOTOC: [11:36:03](Interpretation) I will now give the floor to  
5 the Prosecutor. Please proceed with -- please continue with your presentation.

6 MS CROFT: [11:36:14] Thank you, Madam President, your Honours.

7 My name is Robynne Croft and I will address two topics today.

8 First, I will present on the contextual elements of crimes against humanity.

9 And second, I will set out some of the Prosecution's evidence on Mr Duterte's  
10 individual criminal responsibility for the crimes alleged in this case.

11 Turning first then to the contextual elements.

12 Your Honours, the contextual elements of crimes against humanity are established in  
13 this case because, first, there was an attack against the civilian population in  
14 the Philippines. The attack targeted civilians alleged to be involved in drug-related  
15 crimes and other forms of criminality. The Rome Statute crimes alleged in this case  
16 formed part of that attack.

17 Second, the attack was widespread and systematic.

18 And third, the attack was carried out pursuant to or in furtherance of a State or  
19 organisational policy. This policy was to neutralise alleged criminals in  
20 the Philippines through violent crimes, including murder.

21 The evidence establishing the contextual elements are set out in paragraphs 71 to 86 of  
22 our Pre-Confirmation Brief.

23 In relation to the requirement of an attack, our case is that from at least

24 1 November 2011 to 16 March 2019, the Davao Death Squad, or DDS, and/or

25 the National Network carried out an attack which targeted civilians alleged to be

1 criminals.

2 Your Honours have heard from my colleagues how from 2011 until 2016, the attack

3 was concentrated in Davao City.

4 Then, in 2016, when Mr Duterte became president, he and his co-perpetrators

5 expanded the attack nationwide.

6 They used the National Network to do this, which as Mr Jeremy has explained, was

7 comprised of State actors such as law enforcement personnel as well as non-police

8 assets and hitmen.

9 Your Honours, the locations of the murders contained in Counts 1 to 3 of our

10 Document Containing the Charges are indicated on the map on your screens. They

11 include 76 murders, which themselves satisfy the threshold of multiple acts making

12 up a course of conduct.

13 However, as Mr Nicholls has noted, the crimes in Counts 1 to 3 are representative and

14 emblematic of a larger killing campaign. And the Prosecution relies on a range of

15 evidence to establish that the attack was made up of thousands of killings and other

16 violent crimes under Article 7(1). This evidence includes datasets and the statements

17 of documentation actors; the evidence of insider witnesses; expert analysis; and

18 the admissions of Philippine State agencies in their public reporting.

19 I will take your Honours through some of this evidence now.

20 During Mr Duterte's mayoral period, hundreds of civilians alleged to be criminals

21 were killed in Davao City.

22 On your screens is a chart with data on extrajudicial killings in Davao based on public

23 reporting. The data is recorded at tab 116. It shows that between 2012 and 2015

24 there are at least 274 extrajudicial killings in Davao City.

25 This data is corroborated by DDS insider witnesses.

1 Several DDS witnesses say that they each killed hundreds of alleged criminals while  
2 with the DDS.

3 Your Honours can see on this slide quotes from one DDS witness.

4 They estimate that, I quote: "between 1,500 and 2,000 people", end quote, are buried at  
5 Laud Quarry. The quarry was only one of several places that the DDS dumped  
6 bodies in and around Davao. That's at tab 37.

7 This witness said that they personally killed hundreds of people. They described  
8 their job with the DDS as being, quote, "just to kill [...] small criminals ... petty  
9 criminals [...] out of the almost 300 people that I have killed... I never actually got to  
10 kill a drug lord." End quote. That's at tab 34.

11 This witness's words make it clear that the target of the attack was people alleged to  
12 be criminals in Davao.

13 Your Honours, another DDS witness who also killed hundreds of people said that  
14 the DDS targeted, I quote: "suspected criminals in Davao City, including *[s]habu* users  
15 and pushers". End quote. That's at tab 58.

16 Your Honours, as you have heard previously, Mr Duterte has himself publicly  
17 admitted that he killed around 1,700 people while he was mayor of Davao City. I  
18 quote: "[T]hey say I killed 700? They undercounted [...] Around 1,700." End quote.  
19 That's at tabs 10, 10.1, 10.2.

20 This evidence - the data collected by independent organisations; the statements of  
21 insiders on the hundreds of people that they have each killed; and Mr Duterte's own  
22 admission of having killed 1,700 people while mayor of Davao - all show that the  
23 attack was widespread in the mayoral period.

24 And the attack continued to be widespread after Mr Duterte became president, when  
25 it expanded across the country. The victimisation expanded, with the hundreds

1 killed during the mayoral period becoming thousands in the presidential period.  
2 Your Honours can see a map of the Philippines on the slide. The colours which will  
3 emerge show the locations and density of the killings in the anti-illegal drug  
4 campaign. Purple dots indicate an area with one to 10 killings, while yellow  
5 indicates 500 killings. This is how the killings progressed throughout  
6 the presidential period.

7 (Viewing of the video excerpt)

8 MS CROFT: [11:43:29] Your Honours, this map is based on data collected by an  
9 independent organisation which recorded at least 5,823 anti-drug killings during  
10 the presidential period. This data is recorded at tab 104.

11 The data shows that the attack during the presidential period was widespread.

12 As your Honours can see from the map, it occurred across the country. It occurred  
13 over multiple years. And thousands of civilians were killed.

14 Mr Duterte's administration effectively admitted to the large volume of the attack.

15 They admitted that thousands of individuals were killed in anti-drug operations  
16 while Mr Duterte was president.

17 For example, in the Duterte Administration's 2017 year-end report, which you can see  
18 on your screens, the administration admitted that 3,967 drug personalities died in  
19 anti-drug operations in the first year and a half of Mr Duterte's presidency. And  
20 that's at tab 106.

21 Similarly, the Philippine Drug Enforcement Agency, or PDEA, admitted that 5,281  
22 drug personalities died in anti-drug operations in the first two and a half years of  
23 Mr Duterte's presidency. This is at tab 98.

24 These admissions corroborate the widespread nature of the attack. They show that  
25 thousands of individuals were killed.

1 Your Honours, in addition to being widespread, the attack was also systematic from  
2 its origins and throughout the charged period.

3 The features of DDS operations demonstrate the systematicity during the mayoral  
4 period. And these features can be found in our Brief at paragraphs 35 to 36 and 88 to  
5 98. Insider witnesses described how time and time again killing operations followed  
6 the system set out on the screen.

7 The same hierarchical structure was followed. As Mr Nicholls explained, the orders  
8 flowed from Mr Duterte at the top, through a combination of other co-perpetrators, to  
9 the handler of the relevant DDS team and finally to the physical perpetrators at the  
10 bottom, the DDS teams composed of police and non-police assets and hitmen who  
11 carried out the killings.

12 The features of the killings were also often markedly similar. The identity or  
13 whereabouts of the victim was provided to the DDS by an informant.

14 The perpetrators would frequently arrive to or flee the crime scene by motorcycle.

15 They shot or stabbed their victims at close range. The victims were targeted on  
16 the basis that they were alleged to be drug users, pushers or other criminals. And  
17 the DDS received a sum of reward money for each kill.

18 When the attack expanded during the presidential period it continued to be  
19 systematic, because it remained highly organised, planned and coordinated. Similar  
20 systems to the one I've just described in Davao were deployed during Mr Duterte's  
21 presidency to implement the killings.

22 Your Honours can see some of those features listed on your screens. As in Davao,  
23 victims were targeted on the basis that they're alleged to be drug users, pushers or  
24 other criminals.

25 The process for killing the targets was often markedly similar.

1 First, the victims were identified by State actors as targets and listed. As Mr Jeremy  
2 has outlined: high-value targets were also listed on the PRRD List. The targets of  
3 *barangay* clearance operations were often listed on local drug lists, such as local police  
4 station lists.

5 Second, targets were killed in the context of so-called law enforcement operations.  
6 Police often tried to legitimise the operations, so they would stage a *nanlaban* or fight  
7 back scenario to make them appear to have been in self-defence. They would also  
8 plant evidence such as drugs and guns on the victims' bodies.

9 And third, as in Davao, police and those working with them were often paid reward  
10 money per kill.

11 Your Honours, these killings were not random or coincidental. Quite the opposite:  
12 targets were pre-identified, listed and then subject to operations based on that list.

13 This clearly demonstrates the systematicity of the attack.

14 Your Honours, the last point I would like to make about the attack relates to  
15 the evidence of an expert witness who specialises in political violence in  
16 the Philippines.

17 This expert analysed data relating to armed encounters between the PNP and  
18 supposedly armed suspects. He compared data from before Mr Duterte's presidency  
19 to during. And based on this comparison, he found that in the first 25 months of  
20 Mr Duterte's presidency, the number of suspects killed by police increased by  
21 590 per cent across the Philippines. And that finding is at tab 68.

22 Your Honours have heard Mr Jeremy speak about Bulacan, a province immediately  
23 north of Metro Manila, where Mr Duterte praised the killing of 32 civilians in police  
24 operations in 24 hours.

25 The expert witness found that in Bulacan police killings rose by 1,600 per cent when

1 Mr Duterte became president. And that's at tab 121.

2 The expert also compared data on Bulacan police's use of deadly force to other  
3 countries and cities across the world. He used the metric of police killings per  
4 100,000 population.

5 The chart on your screens shows this comparison, which is at tab 121 again.

6 The data on Bulacan is orange, while other countries and cities are blue. The orange  
7 bar on the left shows police use of deadly force in Bulacan before Mr Duterte became  
8 president. You can see that with a fatality rate of over 1, it was already  
9 comparatively high. The orange bar on the right shows the dramatic increase in  
10 killings in Bulacan by police after Mr Duterte became president.

11 The expert concluded that, quote, "the only plausible explanation for such an extreme  
12 ratio is a widespread policy of extrajudicial executions". End quote. That's also  
13 tab 121.

14 Your Honours, this leads us to the policy requirement for crimes against humanity in  
15 Article 7.

16 Your Honours, the attack in this case was carried out pursuant to a policy to  
17 neutralise alleged criminals through violent crimes, including murder. The policy  
18 was also known as the Davao formula or model.

19 Your Honours have heard about the origins of the policy in Davao City and how it  
20 was implemented by the local executive government. Mr Nicholls explained how  
21 Mr Duterte, when mayor of Davao City, established the Davao Death Squad to carry  
22 out the policy and kill criminals.

23 The evidence establishing the State or organisational policy in this case is set out at  
24 paragraphs 77 to 84 of our brief. As the policy and the common plan were both to  
25 neutralise alleged criminals via violent crimes, there is some overlap between the

1 evidence on each. I will set out some of that evidence now while discussing  
2 the policy and then some later while discussing the common plan.

3 The evidence includes Mr Duterte's many public statements and speeches outlining  
4 the policy. It also includes:

5 The Command Memorandum Circular which Mr Jeremy mentioned earlier;

6 Witness accounts;

7 Speeches and statements by other co-perpetrators; - sorry - the high level of  
8 coordination between State actors.

9 Sorry, your Honours.

10 I will start with Mr Duterte's own speeches.

11 Your Honours, Mr Duterte made no secret of the policy, as is shown by the references  
12 in our brief to his many speeches outlining the policy. He made these speeches as  
13 mayor of Davao, as a presidential candidate and then as president of Philippines.

14 One example of a speech that Mr Duterte made as mayor was at a meeting on peace  
15 and order in Davao in October 2015. That is tab 13.

16 (Viewing of the video excerpt)

17 MS CROFT: [11:54:16] These are Mr Duterte's own words. I quote: "I will kill you  
18 [...] That's the only formula that worked in my city". End quote. That is tab 133.

19 (Viewing of the video excerpt)

20 MS CROFT: [11:54:56] Your Honours will recall that yesterday Mr Nicholls played  
21 a series of Mr Duterte's presidential campaign speeches. I want to take a moment to  
22 reflect on some of the key features of those speeches, which are at tabs 8, 12 and 14.

23 First, Mr Duterte frequently said that if elected as president he would stop drugs and  
24 crime in the Philippines in three to six months.

25 He frequently referenced his experience in Davao where he admitted that he had

1 killed criminals.

2 He said that if elected he would order the military and police to do the same  
3 nationwide.

4 And he expressly stated that this would entail killing.

5 Your Honours, Mr Duterte's speeches make it clear that there was a policy to  
6 neutralise alleged criminals by violent means, including murder.

7 And Mr Duterte was not the only member of the common plan who disseminated  
8 the policy through public speeches and statements.

9 In this video at tab 9, co-perpetrator Mr Dela Rosa addresses a crowd of  
10 self-confessed drug addicts in Bacolod city and urges them to kill drug lords and burn  
11 their houses.

12 (Viewing of the video excerpt)

13 MS CROFT: [11:57:03] Mr Dela Rosa made this speech on 25 August 2016. At the  
14 time he was the chief of the Philippine National Police.

15 Your Honours, the existence of the policy is also shown by the police directive which  
16 Mr Jeremy spoke about earlier, Command Memorandum Circular No. 16-2016. This  
17 is at tab 112.

18 As your Honours have heard, the day after Mr Duterte became President, he  
19 appointed his long-time friend and colleague from Davao; his co-perpetrator

20 Mr Ronald Dela Rosa as chief of the Philippine National Police. On the same day,  
21 Mr Dela Rosa formalised the anti-drugs component of the policy by issuing this  
22 directive to the 180,000 police officers under his command.

23 The circular directed police to pursue the neutralisation of illegal drug personalities.

24 As Mr Jeremy has outlined, the evidence shows that within law enforcement,  
25 "neutralise" meant and was understood as meaning to kill.

1 Your Honours, the Command Memorandum Circular shows there was a policy to  
2 neutralise through violent crimes such as murder.

3 I will now turn to part 2 of my presentation on Mr Duterte's individual criminal  
4 responsibility. The Prosecution's evidence on this is set out at paragraphs 5 to 70 of  
5 our Brief.

6 The Prosecution alleges that Mr Duterte: indirectly co-perpetrated the crimes, ordered  
7 and/or induced the crimes and/or aided and abetted the crimes.

8 Today, in the interests of time, I will focus on indirect co-perpetration and we rely on  
9 our Brief for the other modes of liability.

10 Your Honours, Mr Duterte is an indirect co-perpetrator of the alleged crimes because:

11 First, he agreed to a common plan to neutralise alleged criminals;

12 Second, he and his fellow co-perpetrators jointly controlled a structure of power,  
13 namely the Davao Death Squad and the National Network, which they used to  
14 pursue the common plan;

15 Third, Mr Duterte made an essential contribution to the crimes within the framework  
16 of the common plan;

17 And fourth, he did this with the requisite intent.

18 Your Honours can see on your screens an excerpt from paragraph 4 of our Document  
19 Containing the Charges. This sets out the scope of the common plan.

20 The plan was "[T]o 'neutralise' alleged criminals in the Philippines (including those  
21 perceived or alleged to be associated with drug use, sale or production) through  
22 violent crimes including murder".

23 As Mr Nicholls has explained, Mr Duterte and his co-perpetrators agreed to this plan  
24 in Davao City. Photos of the co-perpetrators in Davao City are displayed on your  
25 screens. They're a combination of trusted police officers, an individual from

1 Mr Duterte's mayoral office, an officer from the National Bureau of Investigation in  
2 Davao Region, and a lawyer who acted on behalf of certain members of the Davao  
3 Death Squad.

4 In 2016, when Mr Duterte became president, the members of the common plan  
5 remained largely the same. They were joined by a further two individuals: a senior  
6 police officer; and a long-time colleague of the group from Davao City, who had  
7 worked with the DDS before the jurisdictional period.

8 I will take your Honours through some of the evidence which shows both the scope  
9 of the common plan and the co-perpetrators' agreement to it.

10 In the interests of time, I will address some co-perpetrators and we rely on our Brief  
11 for the rest. That's at paragraphs 9 to 23 of our Brief.

12 On your screens is a photograph of Mr Ronald Dela Rosa.

13 When Mr Dela Rosa was Davao City Police chief he developed *tokhang* operations.

14 As your Honours have heard from Mr Jeremy, *tokhang* was a blueprint for police to  
15 implement killings later in the presidential period.

16 When he was announced as Mr Duterte's chosen PNP chief in May 2016,

17 Mr Dela Rosa gave this interview, which is at tab 101. It shows that he  
18 wholeheartedly agreed to the common plan.

19 (Viewing of the video excerpt)

20 MS CROFT: [12:02:39] On this slide is a photo of Isidro Lapeña. Like Mr Dela Rosa,  
21 Mr Lapeña was well known to Mr Duterte because he too had worked as Davao City  
22 Police chief, in his case from 1996 until 1998.

23 In 2016, Mr Duterte appointed Mr Lapeña as director general of the Philippine Drug  
24 Enforcement Agency, or PDEA. PDEA is the lead anti-drug enforcement agency in  
25 the Philippines. Two days after Mr Lapeña took his oath, he gave a speech to his

1 PDEA subordinates. There is an excerpt from that speech on the slide, quote:  
2 "Under then Mayor [...], we implemented strict law enforcement against illegal drug  
3 activities in Davao City [...] The President wants to replicate and expand what is being  
4 done in Davao. And that is precisely what I intend to do [...]" End quote. That's  
5 tab 101.

6 Also like Mr Dela Rosa, Vicente Danao was Davao City Police chief during  
7 the mayoral period, in his case from 2013 to 2016. In November 2018, he was  
8 appointed police chief of Manila police district, and he told reporters, quote:  
9 "If I discover anyone involved in drugs, especially those who distribute or just throw  
10 them around, son of a bitch, I will go after you, god damn. I will kill you. Blatantly  
11 I am saying that. Sons of bitches." End quote. That's tab 96.

12 When Mr Duterte became president, he appointed Vitaliano Aguirre II as Secretary of  
13 Justice.

14 Mr Aguirre has also publicly acknowledged the common plan and his agreement to it  
15 as a member of Mr Duterte's administration.

16 (Viewing of the video excerpt)

17 MS CROFT: [12:05:14] Quote, "in the Philippines, we will choose to kill these drug  
18 lords." End quote. That's tab 125.

19 Your Honours, these speeches of co-perpetrators show both the scope of the common  
20 plan and the co-perpetrators agreement to it.

21 Your Honours, the next element of indirect co-perpetration is control of a structure of  
22 power. In the mayoral period, Mr Duterte and his co-perpetrators controlled  
23 the DDS, which they used to pursue the common plan.

24 There is a diagram of the DDS hierarchy on your screens.

25 As the mayor of Davao City, Mr Duterte sat at the apex of the formal and city

1 structures. The law gave him formal operational supervision and control over  
2 the police in Davao City. In addition to this *de jure* power, insider witnesses spoke  
3 about his *de facto* power over police and the DDS structure.  
4 Under Mr Duterte were a combination of co-perpetrators from the Davao City Police  
5 Office and the mayor's office. Together with Mr Duterte, they controlled the DDS  
6 teams beneath them.  
7 They controlled the will of the DDS perpetrators through a range of mechanisms.  
8 And these are set out in paragraph 38 of our Brief and include threats to kill and  
9 actual killing.  
10 To illustrate this control, there are quotes from one witness on your screen.  
11 This witness said that when he was first told to kill, he did not want to. But, I quote:  
12 "I felt like I didn't have any other choice but to follow their orders. [...] Duterte is  
13 the most powerful person in Davao City, and you had to do what he wanted. It  
14 wasn't possible not to do ... to not obey his command." End quote. This is tab 51.  
15 When Mr Duterte became president, the co-perpetrators continued to control  
16 a structure of power.  
17 One of the first things that Mr Duterte did with his new presidential powers was to  
18 appoint his co-perpetrators from Davao to national positions in government and law  
19 enforcement which were key to the common plan. And after he appointed  
20 Mr Dela Rosa as chief of the PNP, Mr Dela Rosa used his new powers to move other  
21 police co-perpetrators into key policing roles. These new appointments expanded  
22 the geographic powers of the co-perpetrators and allowed them to create a larger  
23 network of individuals they controlled.  
24 Your Honours can see that structure of power on the chart on your screens.  
25 The co-perpetrators controlled the executive; they controlled the police; they

1 controlled the Drug Enforcement Agency; the National Bureau of Investigation; and  
2 the Department of Justice.

3 And they used this control to ensure that their subordinates carried out the plan to  
4 neutralise alleged criminals through violent crimes.

5 For example, as PNP chief, Mr Dela Rosa now controlled some 180,000 police officers,  
6 who, as you have heard, he directed to neutralise drug personalities.

7 Mr Lapeña now controlled 1,800 Philippine drug enforcement personnel. They used  
8 these subordinates as physical perpetrators to commit the crimes.

9 Mr Aguirre, as Secretary of Justice, now had control of the National Prosecution  
10 Service. He used this control to ensure that - except for a handful of low-level  
11 perpetrators in notorious cases - the crimes were not prosecuted and a climate of  
12 impunity prevailed.

13 And the co-perpetrators controlled the will of the physical perpetrators. As in  
14 Davao City, low-level members of the National Network risked losing their jobs or  
15 being killed if they did not comply. For example, your Honours can see the evidence  
16 of a police insider on your screens. He said that if his boss did not kill enough  
17 people during police operations, he would lose his post and be replaced. I quote:  
18 "[W]e were told that there should be 5 to 10 deaths [...] per month [...] the Regional  
19 Director called him and told him that if there were no deaths, or no recorded killings,  
20 then he would be relieved of his duty." End quote. That's tab 124.

21 Now on your screens is the evidence of an individual who police suspected of  
22 involvement in drugs. He surrendered to police to avoid being killed. The police  
23 held his status as an alleged drug pusher against him and recruited him as an asset.  
24 They made him kill other civilians who were alleged to be involved with drugs. He  
25 said, quote: "I surrendered myself to them [...] I knew that they wanted to kill me [...]"

1 So, I became an asset of theirs." End quote. That's at tab 22.

2 Your Honours, I will now turn to the requirement of an essential contribution.

3 Mr Duterte made an essential contribution to the crimes within the framework of

4 the common plan.

5 And the Prosecution has set out 10 of Mr Duterte's contributions in our brief at

6 paragraphs 44 to 58. Many of these have been discussed in the Prosecution's

7 presentations. For example, Mr Nicholls spoke about how Mr Duterte designed and

8 disseminated the policy in this case, which is point a. on the slide. He also spoke

9 about point b., how Mr Duterte established and oversaw the DDS. I have just

10 addressed point e., on the appointment of key personnel to positions which were

11 crucial to the execution of the crimes.

12 Mr Jeremy has spoken about point j., how Mr Duterte publicly named so-called

13 high-value targets who were then killed. And all members of the Prosecution have

14 touched upon point h., Mr Duterte's public statements authorising, condoning and

15 encouraging killing.

16 Your Honours, without Mr Duterte's essential contribution, the crimes in this case

17 would not have been committed, or they would have been committed in

18 a significantly different way.

19 We can see this in the evidence of low-level members of the Davao Death Squad and

20 the National Network who said that Mr Duterte's conduct had a causal effect on their

21 perpetration of the crimes.

22 You can see on your -- on the screens one low-level perpetrator during the mayoral

23 period said, I quote: "I was confident to continue killing people because anyway we

24 wouldn't be arrested for that." End quote. That's tab 38.

25 A low-level police perpetrator during the presidential period was asked about

1 the impact Mr Duterte's public speeches had on his team, including when deciding to  
2 kill someone. He responded, quote: "It did have an effect on me because it's like  
3 I was saying to myself, 'Well, even the president, he himself is ready to do something  
4 like this, and who am I?' End quote. That's tab 142.

5 A senior police officer during the presidential period was asked why his police unit  
6 started killing in July 2016. He responded, I quote: "[...] because of the directive of  
7 the president". End quote. That's tab 120.

8 Your Honours, from everything you have heard over the past two days, there can be  
9 no doubt about Mr Duterte's knowledge and intent.

10 Mr Duterte meant to engage in the conduct that is being charged in this case. He  
11 intended that the crimes would be committed and he was aware that they would be  
12 committed as a result of implementing the common plan.

13 Mr Duterte knew about the fundamental features of the Davao Death Squad and  
14 the National Network that enabled the co-perpetrators to control the physical  
15 perpetrators. And he was aware of the factual circumstances that enabled  
16 the co-perpetrators to control the crimes.

17 Mr Duterte knew because he himself established the DDS to kill people. He  
18 repeatedly broadcast his intention to implement the common plan nationally if  
19 elected president. He made it clear that this would involve killing. Once he was  
20 president, he moved his trusted co-perpetrators from Davao into key national  
21 positions. And as the number of killings rose, Mr Duterte persisted with  
22 the common plan. He praised the 32 killings in a one-time, big-time operation in  
23 Bulacan. He publicly named so-called high-value targets. He promised to protect  
24 police. And as your Honours have heard, Mr Duterte has admitted to many of these  
25 things.

1 Your Honours, I will conclude my presentation by recalling two items. The first is  
2 Mr Duterte's presidential campaign promise that he would stop drugs and crime in  
3 the Philippines within three to six months. And the second is the spread of killings  
4 during the first six months of Mr Duterte's presidency.

5 (Viewing of the video excerpt)

6 MS CROFT: [12:16:43] That concludes the Prosecution's submissions on the merits.

7 Thank you, your Honours.

8 PRESIDING JUDGE MOTOC: [12:16:52](Interpretation) Thank you very much.

9 Am I to understand that you have finished with the presentations on the merits?

10 MR NICHOLLS: [12:17:02] Good afternoon, Madam President, your Honours. Yes,  
11 that is correct.

12 PRESIDING JUDGE MOTOC: [12:17:09](Interpretation) You know that you still  
13 have some time, right?

14 MR NICHOLLS: [12:17:14] Yes, but we've hopefully been efficient and we -- we  
15 have finished now. Thank you.

16 PRESIDING JUDGE MOTOC: [12:17:21](Interpretation) Now I will give the floor to  
17 the legal representatives of the victims for their submissions on the merits.

18 You have the floor.

19 MS MASSIDDA: [12:17:35](Interpretation) Thank you, Madam President. Our  
20 presentation shall be in two parts. I will start with my -- my presentation and my  
21 colleague Andres will conclude later on. And just to be sure, I have 30 minutes; is  
22 that correct?

23 PRESIDING JUDGE MOTOC: [12:17:59](Interpretation) Correct.

24 MS MASSIDDA: [12:18:01](Interpretation) Thank you.

25 (Speaks English) Madam President, your Honours, we speak today on behalf of

1 the thousands of victims and surviving families who have suffered immeasurable  
2 harm under the so-called anti-drug campaign conducted during the administration of  
3 the suspect, former President Rodrigo Roa Duterte.

4 We speak for families who cannot be here - mothers who buried their sons, children  
5 who lost their parents, the spouses who now raise families alone, and communities  
6 that have lived for years under fear and silence and that continue to bear the  
7 consequences of violence that swept through their neighbourhoods like a storm.

8 These victims appear today before you not as mere statistics or distant figures, or  
9 images in reports as pictured yesterday by the Defence, but as human beings whose  
10 rights under the Rome Statute have been violated in the most profound ways.

11 These proceedings relate to what has been labelled the "Duterte's War on Drugs" and  
12 "Duterte's bloody war on drugs". However, the campaign, as I will refer to it during  
13 my presentation, was less about combating the drug trade itself and more about  
14 policing poverty and social inequality.

15 As the evidence on the record unequivocally shows, individuals targeted by  
16 Mr Duterte's anti-drug operations overwhelmingly came from impoverished  
17 communities where social mobility is limited, and opportunities are scarce.

18 Drug use, particularly methamphetamine, locally known as *shabu*, is often more  
19 prevalent in such low-income settings, where people may turn to substances as  
20 a coping mechanism for their harsh living conditions.

21 In these communities, structural conditions, including the absence of adequate mental  
22 health services, limited access to quality education, scarce employment opportunities  
23 and the chronic stress associated with poverty create an environment in which  
24 substance use is more likely to emerge. Therefore, patterns of drug use do not arise  
25 in a vacuum; they reflect deeper systemic inequalities and long-standing patterns of

1 socio-economic marginalisation.

2 The campaign disproportionately affected the poor and marginalised, especially in  
3 urban informal settlements, marked by high levels of poverty. While the rhetoric of  
4 war focused on eradicating drug dealers and users, it was the most vulnerable  
5 members of society, those with the least power and resources, who were caught in  
6 the crossfire.

7 A significant number of the ones killed had little or no criminal history and were  
8 often accused of minor drug-related conduct or perceived drug use by the authorities.  
9 These were people living in poverty who were treated as expendable by a system that  
10 failed to prioritise their protection and to address the structural conditions underlying  
11 their struggles.

12 Rather than addressing the root causes of drug addiction - such as poverty, lack of  
13 education, unemployment, and inequality - the Duterte administration framed  
14 the issue as a criminal one, focusing on punitive enforcement over social responses.  
15 Mr Duterte's response was a selective, violent crackdown on the most vulnerable,  
16 recasting conditions of marginalisation as grounds for criminal targeting rather than  
17 as manifestations of social injustice.

18 Framed, on its face, as a campaign against illegal drugs, it in reality reflected broader  
19 socio-political dynamics, including the targeting of marginalised communities,  
20 the use of state violence, and the deflection of attention from deeper structural  
21 problems.

22 Mr Duterte is charged under Article 7(1)(a) of the Rome Statute with the crimes  
23 against humanity of murder and attempted murder allegedly committed between  
24 1 November 2011 and 16 March 2019 in or around Davao City, during the period in  
25 which he was mayor of the town; and across the Republic of the Philippines during

1 his term as president of the country.

2 The Prosecution presented ample evidence showing that each of the contextual  
3 elements of crimes against humanity is satisfied at the required threshold for  
4 confirming the charges.

5 During the period covered by the charges, the Davao Death Squad and the National  
6 Network created by Mr Duterte to commit the crimes, carried out an attack against  
7 the civilian population, within the meaning of Article 7(2)(a) of the Statute, as  
8 reflected in a course of conduct involving the commission of multiple murders and  
9 attempted murders.

10 The victims' accounts of events corroborate the Prosecution's evidence and show that  
11 the crimes they suffered were not spontaneous or isolated acts of violence, but rather  
12 a planned, directed and organised attack against them.

13 The attack was "massive, carried out collectively with considerable seriousness" and  
14 "directed against a multiplicity of [civilians]".

15 The victims were all civilians, the repeated lethal operations were conducted in  
16 residential and other civilian settings. As already indicated, the victims largely came  
17 from marginalised communities, were suspected by the authorities of involvement in  
18 criminal - often drug-related - activities. And together with their families, they were  
19 targeted in their homes and neighbourhoods.

20 The attack was widespread and systematic. And we refer your Honours to Annex D  
21 and E of the Prosecution Pre-Trial Brief.

22 The attack was widespread because of its large-scale nature and the number of  
23 victims.

24 In this regard, the number of victims affected by the events within the charges is one  
25 of the most relevant factors to be taken into consideration for the purpose of

1 determining under the *chapeau* of Article 7(1) of the Statute whether the attack was  
2 widespread or systematic.

3 The broad geographical spread of the victimisation combined with the significant  
4 number of victims confirm the wide scope of the attack. As the Prosecution has  
5 made clear yesterday and today, the instances of murders and attempted murders in  
6 the Document Containing the Charges and in the Pre-Trial Brief are simply  
7 illustrative of a much broader pattern of victimisation.

8 In fact, the actual scale of victimisation extends well beyond the 49 incidents affecting  
9 78 victims presented by the Prosecution.

10 The Prosecution itself refers referred to "thousands of civilians murdered" and we  
11 recall here the content of paragraph 73 of the Prosecution Pre-Trial Brief as well as  
12 the remarks by Ms Croft just 15, 20 minutes ago.

13 As reported by Human Rights Watch, in a report published in 2022, since 2016,  
14 the Philippine police have admitted its involvement in the deaths of more than 6,200  
15 people in drug raids across the country.

16 In a 2020 report, the United Nations Office of the High Commissioner for Human  
17 Rights reported 8,663 deaths occurred in the drug war. The Human Rights  
18 Commission of the Philippines and domestic human rights groups report death tolls  
19 that are two to three times higher than the UN figure.

20 The attack was also systematic, well planned and well executed following a standard  
21 *modus operandi*.

22 In many cases, it began with an individual receiving a visit or a phone call from an  
23 official from the local *barangay* informing them that they were on a drug watch list  
24 drawn up by *barangay* officials and the police. In practice, these visits functioned less  
25 as warnings than as a means of confirming the identity and whereabouts of

1 the intended target.

2 As one victim reported, I quote:

3 "A *barangay* official told my husband to surrender to the police because he was on the  
4 'watch list' as a drug user. He had given up drug use months earlier, so did not go.  
5 Two weeks later three armed masked men wearing bulletproof vests arrived at our  
6 home in Manila and handcuffed him. I could hear my husband begging for his life  
7 from outside the room. We were crying and the other armed man threatened to kill  
8 us as well. Moments later, my husband was shot dead". End of quote.

9 Survivors, relatives and neighbours consistently recount that armed men typically  
10 worked in groups of two, four or a dozen. They wore either police uniform or  
11 civilian clothes, often all black, with their faces concealed by balaclava-style headgear,  
12 masks, baseball caps or helmets. They carried handguns.

13 As one victim explained, and I quote:

14 "On 6 June 2017, at about 9.45 in the evening, I was at home with my husband and  
15 our children who were sleeping upstairs. Four unidentified men wearing helmets  
16 and bonnets arrived at home, looking for my husband. They broke down the front  
17 door. I started begging them to spare the life of my husband. The men pushed me  
18 away. My husband was shot in the chest and fell face down. While lying face  
19 down he was shot 5 more times in the nape and head. The children woke up  
20 terrified because of the gunshots". End of quote.

21 Attackers frequently travelled by motorcycle, typically with two individuals on  
22 a single bike. Often, a van, invariably white or black, and at times bearing markings  
23 associated with police vehicles, was also present.

24 They banged on doors and barged into rooms, the attackers did not identify  
25 themselves or provide warrants. Family members reported hearing beatings and

1 their loved ones begging for their lives. And I quote again from the recollection of  
2 one of the victims:

3 "Five masked armed men broke into our house in Bulacan province where my father  
4 was playing cards. We could see him kneeling in a surrendering position. The men  
5 grabbed him and slammed him into a concrete wall several times, and then they  
6 threw him...outside. We saw the shooting, we were just there. My father's face was  
7 bleeding from being hit, and he was begging them for mercy when he was shot".  
8 End of quote.

9 Another victim explained, quote:

10 "My father collapsed to the floor but still tried to move, begging for his life. Yet  
11 the man continued shooting him. I couldn't count how many times ... I was so afraid.  
12 We also heard successive gunshots from outside. Later, we found out that [also] two  
13 of our neighbours were killed". End of quote.

14 The shooting could happen immediately, behind closed doors or in the street; or  
15 the victims would be taken away by the gunmen, only for shots to be heard minutes  
16 later and the body to be discovered by local residents.

17 At times, bodies were dumped elsewhere, sometimes with hands tied or heads  
18 wrapped in plastic. Relatives typically found them after being alerted by policemen  
19 or by their neighbours.

20 A victim recalled, quote:

21 "Six masked armed men broke into the house where a small group, including several  
22 teenagers, were watching television. The men arrested and beat two young boys  
23 they believed were drug suspects and then took them away on motorcycles. A half  
24 hour later, after hearing from a uniformed policeman, we" - referring to  
25 the relatives - "rushed to a nearby bridge to find their bodies, both with gunshot

1 wounds to the head, their hands tied with cloth. The gunmen were still at the scene,  
2 while uniformed police cordoned off the area".

3 Another victim recounted, quote:

4 "A week after his brother was killed, 10 police officers, some in civilian clothes,  
5 arrested my other son and took him to the local *barangay* office. That evening  
6 masked armed men abducted him from the *barangay* office; shortly afterwards, his  
7 body was found under a bridge a block away. When we found him, we saw that his  
8 entire head had been wrapped in packing tape, and his hands had been tied behind  
9 his back. He had been shot execution-style through the mouth". End of quote.

10 And another one, quote:

11 "The body seemed like it was just thrown out. The nails were removed. One  
12 eyeball was missing, stuffed by cotton". End of quote.

13 Relatives and witnesses often saw uniformed police in the immediate surroundings of  
14 the incident, securing the perimeter. Special crime scene investigators typically  
15 arrived within minutes. In numerous cases, an unregistered .38 or .45 calibre gun  
16 and a packet of *shabu* were found placed beside the body. And instead of fleeing  
17 from the police, the gunmen would mingle with them.

18 As one of the victims described, I quote:

19 "On 7 June 2018 in the morning, I was at home when I saw my son coming back from  
20 his work on the opposite side of the street. Suddenly, I saw 8 policemen (3 in  
21 uniform and [5] in civilian clothes). Two of them crossed the street. They took my  
22 son and banged his head against the wall. They accused him of selling '*shabu*'. He  
23 denied. He was then taken to the door of the house. He was shouting 'Mama, help  
24 me!' I took a piece of wood and hit one policeman. Suddenly one policeman  
25 pointed the gun against my son. He shot twice: at the head and at the chest. While

1 in shock, I saw one police officer placing 4 packets of '*shabu*' and a gun around  
2 the body of my son". End of quote.

3 The same account of another victim, who simply recalled:

4 "After the shooting my son who was only 19, uniformed police showed me his body  
5 in the house, and a 45 calibre handgun next to his body. I told them that my son  
6 could not afford and did not possess a gun and therefore could not possibly have  
7 attempted to shoot at the police. [I said] He cannot even pay the rent. His sister  
8 paid the rent for him." End of quote.

9 On occasion, victims were still alive when found by the relatives and taken to the  
10 hospital, where they later succumbed to their injuries.

11 Survivors recounted the terror and enduring feeling of still being hunted, as follows,  
12 and I quote:

13 "In September 2016, a police officer pretending to be a commuter boarded my tricycle.  
14 He asked me to pass by the police station. There I was stopped by a group of men  
15 who turned to be police officers. I was taken to the precinct, beaten and forced to  
16 reveal the identity of drug pushers. I didn't know. Later that evening I was taken  
17 to a dark place and shot multiple times. Despite the [injuries], I managed to escape  
18 and save my life. I still have the consequences of the [injuries] and I feel deep  
19 sadness, anger and fear of being caught again". End of quote.

20 Another survivor explained, quote:

21 "They killed my four friends kneeling and defenceless. I heard a barrage of gunshots,  
22 voices and one officer saying, 'let that be. Let's say they fought back and let's leave  
23 the evidence.' I lay next to one of my friend[s] pretending to be dead. When  
24 the armed officers left, I crawled out of the room and headed toward the edge of  
25 the ravine. Holding my chest with one hand to stop the bleeding, I slid downward

1 and fell to the creek bed. I crossed it, climbed the hill on the other side, and walked  
2 toward the highway. There, I encountered [someone I knew] and desperately  
3 begged for help". End of quote.

4 Although the charges concern only the crimes of murder and attempted murder,  
5 victims' accounts also reveal widespread acts of torture, ill-treatment and rape.  
6 Young people were particularly exposed to torture and cruel, inhuman treatments,  
7 including unlawful arrest.

8 A number of victims participating in this proceedings were minor when they were  
9 attempted to be killed and a number of victims participating in the proceedings  
10 recount the killing of their nephew, son, cousin, who was under 18 at the age of  
11 killing.

12 And this morning Mr Jeremy provided the example of Kian Delos Santos who was 17  
13 at the time of his killing.

14 Reported forms of torture included beating, kicking, slapping, blows to the head,  
15 electrocution, and death threats. On several occasions, law enforcement officials  
16 used arrests, inclusion in the drug watch list and drug-related accusations as a tool of  
17 coercion to perpetrate rape and other forms of sexual violence.

18 In September 2018, a young boy was taken by the police and brought to the precinct.

19 His mother recounted, I quote:

20 "At the precinct, he was repeatedly coerced into confessing a crime he was accused of.  
21 'If you don't admit, your life will be the price', they threatened him. When he  
22 refused to confess, he was beaten with a gun and electrocuted. On the night of  
23 16 September 2018, between 9 and 10, I received a phone call from my cousin urging  
24 me to go in a certain location in Manila.

25 What I saw was a nightmare. My son had been discarded like an animal, his lifeless

1 body lying on the boulevard, abandoned like a fish by the roadside. I rushed to  
2 the scene but I was blocked by the police. I was not even allowed to touch or  
3 embrace my son's body. Even in death my son was not treated with dignity. It was  
4 like they just threw my son out like a pig. I finally found him at the funeral home  
5 where I had to pay to recover the body. I had nothing.

6 I was bargaining as if I were buying fish. In the end, I paid approximately 45,000  
7 pesos to take my son's body for burial. [Now] I wonder: Will justice ever be  
8 served?"

9 THE COURT OFFICER: [12:43:37] Excuse me, counsel, you have five minutes left.

10 MS MASSIDDA: [12:43:46] Official police reports of these incidents invariably  
11 invoked self-defence to justify the killings, despite eyewitnesses accounts that portray  
12 the killings as cold-blooded murders of unarmed individuals. To bolster their claims,  
13 the police routinely planted guns, spent ammunition and drug packets beside  
14 the bodies.

15 While these official accounts contrasted markedly with the ones provided by  
16 the relatives, they were notably consistent among themselves, typically characterising  
17 the incidents as "buy-bust" anti-drug operations, differing little besides the names,  
18 places, and dates.

19 The victim was invariably described as a dealer who attempted to sell to undercover  
20 officers conducting a "buy-bust" operation. Specialised local anti-drug units called  
21 Station Anti-Illegal Drugs Special Operations Task Unit were usually involved.

22 According to the reports, the victim, after being put under arrest often handcuffed,  
23 allegedly pulled out a weapon and sought to shoot the police.

24 In every case, the victim was killed and none of the arresting officers were harmed.

25 In most cases, the police reported having "found" *shabu* on or near the victim's corpse

1 and sometimes a gun.

2 Often, after the killing the bodies of the victims were brought directly to funeral  
3 parlours. Families then had to start their calvary to find the body of their loved ones  
4 and they had to pay high fees to retrieve the bodies. A/50082/25 had to sell the  
5 house to be able to pay for her brother's funeral and burial.

6 Sometimes the bodies were instead left on the street or thrown into the water in  
7 a plastic bag.

8 I believe it's a good time to stop, for the flow of the speech. Thank you very much,  
9 your Honour.

10 PRESIDING JUDGE MOTOC: [12:46:15](Interpretation) Thank you very much,  
11 Ms Massidda.

12 The hearing is now suspended and we shall resume at 2 p.m. Thank you very much.  
13 (Recess taken at 12.46 p.m.)

14 (Upon resuming in open session at 2.01 p.m.)

15 THE COURT USHER: [14:01:09] All rise.

16 Please be seated.

17 PRESIDING JUDGE MOTOC: [14:01:34](Interpretation) Good afternoon to everyone.  
18 I'll give the floor to the legal representatives of the victims so that they can conclude  
19 their submissions on the merits. You have the floor.

20 MS MASSIDDA: [14:01:55] The pattern of repeated operational methods, including  
21 late-night raids, forced entry without warrants, victims shot at close range, similar  
22 post-incident police reports with consistent narratives of armed resistance, *nanlaban*,  
23 planting of drugs and weapons, and the absence of genuine investigation  
24 demonstrates a systematic attack. This pattern is not a coincidence, it is structured.  
25 The use of similar operational narrative and particular assertions of armed resistance

1 demonstrates consistency incompatible with isolated acts.

2 Regardless of whether the direct perpetrators were formally identified as police  
3 officers, the similar tactics used show planning and coordination involving law  
4 enforcement authorities and, at times, local officials.

5 Killings were not carried out by rogue officers or by vigilantes operating separately  
6 from the authorities. The police involvement in the killings extended well beyond  
7 the cases officially acknowledged as deaths arising from buy-bust operations.

8 Furthermore, the government's failure to arrest, let alone prosecute, a single police  
9 officer for their role in any of the war on drugs killings that Duterte has encouraged,  
10 sent a clear message that the one responsible need not fear accountability and can act  
11 with impunity.

12 There is no evidence that Mr Duterte took any steps to prevent or punish the  
13 responsible for the murders. On the contrary, as his numerous public statements  
14 made clear, he discounted the illegality of police actions, showing no inclination or  
15 intent to investigate alleged crimes.

16 Mr Duterte encouraged the police to carry out his anti-drug campaign and repeatedly  
17 stated he would protect them from prosecution.

18 On 19 July 2016, at a fellowship dinner with his former law school classmates,  
19 Mr Duterte said that police officers could carry out their war on drugs without  
20 worrying about being prosecuted. He stated, and I quote: "The president can grant  
21 pardon, conditional or absolute; or grant amnesty with the concurrence of Congress.  
22 I will use it, believe me."

23 During a press conference on 21 August 2016, he also explained that his promises to  
24 protect the police was one of the reasons why the war on drugs had become so bloody,  
25 and I quote:

1 "Remember, I went in warning everyone, I said, it could be bloody because I knew  
2 that the police would now be equipped with a certain mindset, that they will be  
3 protected by law if they go in and have this, you know, violent confrontation.  
4 Because before they were afraid of these human rights, and a lot of them lost their  
5 jobs because they could not even have a lawyer to defend themselves." End of  
6 quote.

7 Mr Duterte also warned human rights organisations not to file cases against police  
8 and army officers for extrajudicial killings saying, and I quote: "I would like to say  
9 now - they will never go to prison - not under my watch." End of quote.

10 This morning, your Honour, Mr Jeremy referred to the killing of the mayor of  
11 Albuera, Rolando Espinosa, who was killed inside the Leyte prison. At the time the  
12 National Bureau of Investigation determined that the killings were a rubout of two  
13 unarmed prisoners inside their cell and filled murder charges. Mr Duterte  
14 responded saying that the officers would not be prosecuted with these words, and I  
15 will quote: "I will not allow these" -- meaning officers -- "to go to prison. I don't  
16 care if the NBI says it is murder. Anyway, the NBI and the [Department of Justice]  
17 are both under [my authority]. I will be the one to answer for it and go to prison."  
18 End of quote.

19 On his third day in office as president, Mr Duterte publicly told police officers that he  
20 would pardon them if they killed drug dealers and drug addicts. Using these words,  
21 quote: "Do your duty, and if in the process you kill one thousand persons because you  
22 were doing your duty, I will protect you." End of quote.

23 Given the prevailing perception of police impunity and the absence of effective  
24 investigations or prosecutions, in many cases victims did not file a complaint nor  
25 tried to initiate criminal proceedings.

1 As one family member of a victim explained to us, and I quote:

2 "We had no hope for an investigation of the police. One of us saw one of the police  
3 go inside with an aluminium briefcase ... He took out a gun and some *shabu* sachets,  
4 and placed them next to the body. I went back to where I was, and [I] was totally  
5 shocked. I couldn't even complain. If we go complain, what is our chance against  
6 the authorities?" End of quote.

7 In other cases, victims tried to seek justice. They went to the police, to local officials,  
8 to government agencies. They filed reports. They asked for investigations. They  
9 begged for answers. But their pleas were ignored, their complaints were dismissed,  
10 their testimonies were doubted.

11 In some cases, the very people they approached for help were the same ones involved  
12 in the violence. They were left with no path forward. No institution was willing to  
13 hear them. No authority was willing to protect them. No system was willing to  
14 acknowledge what was happening.

15 The attack against the civilian population was carried out pursuant to a state policy to  
16 neutralise violent crimes, including murder, individuals perceived or alleged to be  
17 involved in drug-related and other crimes. The policy was originally developed by  
18 Mr Duterte and his close associates in Davao City and implemented locally, and then  
19 expanded to the national level in 2016, once Mr Duterte became president of the  
20 Republic of the Philippines.

21 Victims support the primary Prosecution's pleading and submit that the evidence  
22 shows the existence of such a policy, as reflected in the repeated patterns of conduct,  
23 the mobilisation of state resources, Mr Duterte's public endorsement and institutional  
24 tolerance.

25 Mr Duterte first ran for mayor of Davao in 1988 on a campaign to restore law and

1 order in the city, the largest of the main southern island of Mindanao. At that time,  
2 Davao was known as the murder capital of the Philippines. Communist insurgents  
3 and government security forces gunned each other down - and many civilians - day  
4 and night on Davao's streets and barrios.

5 Mr Duterte was Davao mayor for most of the years between 1988 and 2016.

6 Local NGOs indicate that squad killings of alleged drug dealers, petty criminals and  
7 street children in Davao City started sometime in the mid-'90s during Mr Duterte's  
8 second term.

9 The group that claimed to be responsible for the killings was called *Suluguan sa*  
10 *Katawhan*, or Servants of the People, amongst other names, but soon the media, as you  
11 have also heard in these days, the media began referring to it as the Davao Death  
12 Squad.

13 The Davao Death Squad killed hundreds. Mr Duterte endorsed the killings as an  
14 effective way to combat crime, relishing his Duterte Harry nickname and reputation.  
15 His active promotion of the killing of suspected drug offenders led to a sharp increase  
16 in such killings during his time as mayor. According to one estimate, amongst the  
17 others that you have been shown yesterday and today, at least 1,424 such killings took  
18 place in Davao between 1988 and 2015.

19 As you heard yesterday during the presentation of Mr Nicholls, and today during the  
20 presentation of Ms Croft, when confronted with the death toll during his presidential  
21 election campaign, Mr Duterte responded: "They said I killed 700? They  
22 undercounted. It was 1,700."

23 As you also heard, your Honours, on numerous occasions as mayor, Mr Duterte  
24 claimed personal responsibility for the policy of killing drug suspects. Even prior to  
25 announcing his candidacy for the May 2016 presidential election, Mr Duterte was

1 already very clear about his intention to eliminate crime by eliminating criminals,  
2 applying nationwide the abusive crime control tactics.

3 As reported in the Sun Star Philippines on 24 May 2015, he declared, and I quote: "If  
4 by chance that God will place me there, watch out because the 1,000" - referring to the  
5 persons killed in Davao - "because the 1,000 will become 100,000. You will see the  
6 fish in Manila Bay getting fat. That is where I will dump you." End of quote.

7 Three months after that speech, he renewed his pledge, and I quote: "If I become  
8 president, you better hide. That 1,000 will reach 50,000. I would kill all of you who  
9 make the lives of Filipinos miserable." End of quote.

10 Mr Duterte's outspoken vow to embark on a nationwide killing campaign against  
11 drug dealers and drug users was the foundation of his presidential electoral platform.  
12 During a campaign rally on 15 March 2016, he stated, quote: "When I become  
13 president, I will order the police to find those people [dealing or using drugs] and kill  
14 them. The funeral parlours will be packed."

15 Following his election as president, as also explained this morning by Mr Jeremy, on  
16 9 May 2016, Mr Duterte continued to declare unequivocally that his anti-drug  
17 campaign would focus on killing drug dealers and users. Speaking in Davao on  
18 4 June 2016, he stated, quote: "If you are still into drugs, I am going to kill you. Don't  
19 take this as a joke. I'm not trying to make you laugh. Sons of bitches, I will really  
20 kill you." End of quote.

21 The next month, Mr Duterte referred to children killed in his drug war as, I quote,  
22 "collateral damage".

23 Mr Duterte and his associates disregarded the most basilar principles of law, human  
24 rights and human dignity.

25 In September 2016, after the then UN Secretary-General Ban Ki-moon denounced the

1 drug war killings, Mr Duterte called him a "fool", adding, quote:

2 "I will continue the campaign against the criminals. I do not have pity for them. I  
3 don't give a shit. I am the president of the Philippines, not the republic of the  
4 international community". End of quote.

5 In a Human Rights Watch report issued in March 2017, Mr Duterte's first six months  
6 in office were labelled as a human rights calamity for the Philippines.

7 Mr Duterte's repeated public statements encouraging the killing of alleged drug  
8 offenders were not rhetorical flourishes; they were operational directives. The  
9 repeated calls to kill alleged drug dealers and users is indicative of a government  
10 policy to direct an attack against a specific civilian population.

11 Public statements encouraged lethal force. Law enforcement operations were  
12 organised and resourced. The rhetoric of eradication was translated into practice.  
13 The scale, coordination and continuity of operations, coupled with public  
14 encouragement of lethal enforcement, support the inference of policy.

15 When violence is normalised, repeated and institutionally defended, as in the present  
16 case, it reflects policy.

17 Turning to the alleged liability of Mr Duterte.

18 The suspect is charged as indirect co-perpetrator under Article 25(3)(a) for  
19 committing the crimes jointly with others in furtherance of the common plan or  
20 agreement to neutralise through violent crimes, including murder, individuals  
21 perceived or alleged to be involved in drug-related and other crimes. In the  
22 alternative, he's also charged under Article 25(3)(b) for ordering or inducing the  
23 Davao Death Squad and later the National Network to commit the crimes, and under  
24 Article 25(3)(c) for aiding, abetting or otherwise assisting members of the Davao  
25 Death Squad and later the National Network to commit the crimes.

1 Victims submit that the evidence presented by the Prosecution allows to conclude  
2 that there are substantial grounds to believe that Mr Duterte is criminally responsible  
3 for the crimes charged. In particular, the evidence shows the existence of a common  
4 plan to kill individuals perceived by the authorities as implicated in drug-related  
5 crimes.

6 The common plan originated in Davao in the late '80s when the suspect instructed  
7 members of the death squad - police officers and non-police hitmen - to conduct  
8 operations against the targeted individuals, provided funds and other resources to  
9 achieve the aim of the agreement.

10 As already recalled, Mr Duterte made unequivocal public statements encouraging  
11 police and civilians to kill alleged drug offenders. Said statements indicate an intent  
12 to use the country's law enforcement agencies to engage in murders.

13 Mr Duterte was proud of his achievements and at the point that he put his method at  
14 the centre of his presidential campaign. When elected president, he adopted the  
15 same method as in Davao nationwide, and continued to state publicly and  
16 unequivocally that his anti-drug campaign would focus on killing drug dealers and  
17 users.

18 Mr Duterte relied on the support of the police, which he exercised effective control  
19 over, to execute the common plan. Their loyalty was reinforced through financial  
20 incentives, promotions and the maintenance of a system of impunity.

21 Mr Duterte had full knowledge of the crimes. As the Chamber has already heard, on  
22 15 March 2016 in Lingayen, he announced that if elected, he would order police to  
23 locate and kill individuals involved in drugs, warning that funeral parlours would be  
24 crowded.

25 On 7 May 2016, the final day of campaigning for the presidential elections, Mr Duterte

1 made it clear that his threats were to be taken literally, and I quote: "All of you who  
2 are into drugs, you sons of bitches, I will really kill you. I have no patience. I have  
3 no middle ground". End of quote.

4 Madam President, your Honours, the loss victims carry is not measured only in the  
5 death of a loved one; it is measured in the empty chair at the dinner table, the  
6 birthdays that will never be celebrated, the dreams that ended abruptly and the  
7 futures that were taken from them.

8 As one of the victims put it, and I quote:

9 "My loved one was not perfect - none of us are - but he was a human being. He was  
10 someone's child, someone's parent, someone's partner. He deserved dignity, due  
11 process, and the chance to defend himself. Instead, his life ended without warning,  
12 without explanation, and without accountability.

13 For many of us, the moment we learned of our loved one's death was the moment our  
14 own lives changed forever. We were left with questions that no one in authority  
15 would answer. We were left with fear that speaking out would put us in danger.

16 And we were left with the painful knowledge that the institutions meant to protect us  
17 had failed us". End of quote.

18 The trauma of these events did not end with the loss of life. It continues every day.

19 Families were left to navigate grief while facing stigma and suspicion. Many were  
20 told implicitly or explicitly that their loved ones had deserved what happened to  
21 them. They were made to feel ashamed for seeking answers.

22 Some were threatened when they tried to file complaints. Others were told not to  
23 bother because "nothing would come of it".

24 Children who witnessed violence now struggle with fear. Parents who lost their  
25 children live with enduring guilt and despair. Entire communities still carry the

1 memory of nights filled with sirens, shouting and uncertainty.  
2 Your Honours, the victims' suffering is never abstract, nor remote. It remains real,  
3 immediate and ongoing.  
4 Your Honours, trauma is not always visible. It resides in the silence of the ones who  
5 are afraid to speak. It lives in the hesitation of a child who no longer feels safe  
6 walking outside and in the constant fear of the families who still look over their  
7 shoulders, wondering whether they will be targeted next. For the victims, the  
8 confirmation of charges is not merely a legal step. It is a recognition that their loved  
9 ones mattered. It is an acknowledgment that what happened to them was wrong.  
10 It is a message that they have not been forgotten.  
11 These proceedings offer something they had been denied in years: Hope, hope that  
12 the truth will be established, that the one responsible will be held to account, that the  
13 further generations will not endure the same suffering.  
14 Justice cannot restore their loved ones, but it can restore dignity. Justice can affirm  
15 humanity. Justice can help them begin to heal.  
16 Madam President, your Honours, for the purpose of the confirmation of charges  
17 hearing, the Prosecution must demonstrate substantial grounds to believe that  
18 Mr Duterte committed each of the crimes charged.  
19 Victims submit that the evidence presented by the Prosecution meets this evidentiary  
20 standard.  
21 The confirmation of all charges is not only legally warranted, it is essential to the  
22 integrity of international criminal justice. The evidence before this Chamber  
23 establishes reasonable grounds to believe that crimes against humanity of murder and  
24 attempted murder were committed in the context of a widespread and systematic  
25 attack against the civilian population, and that Mr Duterte bears individual criminal

1 responsibility under Article 25 of the Rome Statute.

2 Your Honours, the victims have waited years for this moment. They have been  
3 silenced, stigmatised and denied justice in their own country. Today they stand  
4 before you with the hope that justice, long denied, may finally be within reach.

5 This Court is their last refuge. And today, on their behalf, we ask this Chamber to  
6 affirm that their suffering matters, that their rights matter, and that the rule of law  
7 extends even to the most powerful, by confirming all the charges against Mr Duterte  
8 and committing him to trial.

9 This concludes my part, your Honours. With your leave, I will give the floor to my  
10 colleague Mr Andres for concluding our presentation. *Merci beaucoup.*

11 PRESIDING JUDGE MOTOC: [14:27:11](Interpretation) Thank you very much.

12 Mr Andres, you have the floor.

13 MR ANDRES: [14:27:25] Madam President, your Honours, I am Gilbert Andres.

14 My colleague Ms Massidda earlier submitted that Mr Duterte's entire drug campaign  
15 disproportionately affected the poor and marginalised.

16 What were the conditions of the victims targeted by Mr Duterte's anti-drug campaign?  
17 How poor and marginalised were his victims?

18 The victims targeted by Mr Duterte's anti-drug campaign were in low-income,  
19 high-density communities. In an urban setting, this meant that some victims live in  
20 an area of about 69,000 persons per square kilometre during the relevant period. A  
21 typical floor area of the house of a victim in these high-density communities was  
22 about 6 square metres. For some victims, their house was as small as the area of two  
23 tables in this courtroom. The victims' houses were typically made up of wood, used  
24 tarpaulin, used plastic, light materials and some broken hollow blocks, any material  
25 that they could scavenge and utilise.

1 As the victims lived in high-density communities, their neighbours knew them very  
2 well. The victims lived in close-knit communities. The victims' close-knit  
3 communities meant that they immediately knew if a person was an outsider to their  
4 community. And any traumatic event that happened to these victims in their  
5 close-knit communities was known and whispered throughout their community.  
6 As the victims were from low-income communities, to survive poverty, their houses  
7 were homes to multiple generations of their families, to conserve their meagre  
8 resources. For Filipinos, especially from low-income communities, their family is  
9 not just the nuclear family. It is not just the husband, the wife, the children. Their  
10 family extends to the grandparents, the lolo and lola, and the siblings of a spouse, the  
11 brothers and sisters.  
12 The breadwinner of the victim's family was usually the husband, the father of the  
13 children. The victims either worked as daily minimum wage earners, or as wage  
14 earners below the prescribed daily minimum wage, or as part of the informal  
15 economy such as a vendor. The victims worked if there was work available to earn  
16 for their families' survival. But most of the victims would not have completed their  
17 education, nor have the proper training to secure stable jobs as part of the formal  
18 economy. If they were fortunate to be employed as minimum daily wage earners, in  
19 the urban setting this amounted to about 500 Philippine pesos per day, or  
20 approximately about 8 euros per day during the relevant period. But for most  
21 victims, the minimum wage was really the maximum that they can hope for. The  
22 victims only hoped to earn at most about 8 euros per day. And for a family  
23 composed of the husband, the wife and about two until four children, 8 euros per day  
24 is meagre. There was also a cultural expectation for the breadwinners to help their  
25 elderly parents. The other spouse sometimes augmented this meagre income by

1 being a vendor or by taking temporary jobs. And if both parents were outside of  
2 their home, it was the extended family that took care of the children.

3 Your Honours, the specific data may vary from victim to victim but the victims hope  
4 that this data give the Chamber a picture of their conditions under Mr Duterte's  
5 anti-drug campaign. The already marginalised and vulnerable conditions of the  
6 victims exponentially multiplied the harm that they suffered and they continue to  
7 suffer, which leads to our next submission.

8 What were the grave effects and suffered harm of the victims, their families and their  
9 communities resulting from the crimes charged against Mr Duterte?

10 Mr Duterte's drug war campaign targeted the very humanity of the victims, of their  
11 families and of their communities. In Filipino, the indirect victims expressed this in  
12 one sentence: "*Inalisan kami ng dangal*", "We were stripped of our dignity".

13 How so? First, Mr Duterte publicly dehumanised the victims of his anti-drug  
14 campaign. This dehumanisation of the victims was used to justify their eventual  
15 murders.

16 On July 25, 2016, during his first State of the Nation Address before the Philippine  
17 Congress, Mr Duterte declared that, and I quote: "But human rights cannot be used  
18 as a shield or an excuse to destroy the country, your country and my country." End  
19 of the quote.

20 What was chilling was that this portion of the Mr Duterte's speech garnered the most  
21 applause from members of the Philippine Congress and the public gallery.

22 On August 17, 2016, during the 115th Police Service Anniversary at the Philippine  
23 National Police Headquarters, Mr Duterte declared to the Philippine National Police  
24 that for those allegedly affected by the drugs, and I quote: "And it has not only  
25 affected millions, but a lot of them are no longer viable as human beings in this

1 planet." End of quote.

2 On August 26, 2016, Mr Duterte declared to a group of Filipino soldiers he visited in  
3 an army camp that, and I quote: "Crimes against humanity? In the first place, I'd  
4 like to be frank with you: are they humans? What is your definition of a human  
5 being?" End of quote.

6 These public speeches of Mr Duterte served to condition the Filipino people on the  
7 excuse for the murder of the victims of his anti-drug campaign and how the murders  
8 were taken out, brazen, execution style.

9 These public speeches of Mr Duterte were emblematic of findings that atrocity crimes  
10 were often preceded by the process of dehumanising the identities of others to justify  
11 the crimes.

12 Second, the murdered victims were dehumanised by how they were murdered.

13 During their actual murders, the targeted victims were summarily accused as drug  
14 users or pushers without the benefit of a judicial process, just like the one before this  
15 Chamber. The victims were then murdered inside their homes or within their own  
16 close-knit community. The victims were murdered inside their homes, were  
17 murdered in front of their family, their spouse, their children, or their parent,  
18 especially in front of their mothers.

19 Some of the victims were forcefully separated from the physical clutches of their  
20 family members protecting them from the direct perpetrators of Mr Duterte's  
21 anti-drug campaign. This was what happened to the son of a victim in the early  
22 hours of a Thursday. At that time, this victim, her son and her son's wife, who was  
23 pregnant and nearing delivery, were preparing to go to the hospital when six or seven  
24 people dressed in black and who had guns suddenly entered their house. As  
25 recounted by this victim, and I quote:

1 "My son kept repeating, 'Mama, don't leave me.' So, I blocked the way. He pleaded  
2 again, saying 'I will come with you, just don't kill me. Mama, don't leave me.'  
3 Four officers were inside. One shouted at me, 'Get out of the way!' They pulled me  
4 down the stairs and yanked my hair. They had guns. My son pleaded again,  
5 'Mama, don't leave me.' He was hugging [referring to his wife]. They dragged me  
6 out into the street and put me on a motorcycle."

7 Some victims begged the direct perpetrators for their lives, as witnessed by their  
8 family members. Some victims spontaneously took off their clothes to show to the  
9 direct perpetrators that they were clean. The home which was supposed to be a  
10 shelter of security for the direct victims became the crime scenes of their brazen  
11 murder.

12 The targeting of the victims in their own homes is explained by the Philippine  
13 National Police Command Memorandum Circular No 16-2016, which was earlier  
14 referred to also by the Prosecution. It was issued on July 1, 2016 by the then chief of  
15 the Philippine National Police, Ronald Bato Dela Rosa, appointed by Mr Duterte.

16 The relevant portion of CMC 16-2016 states that, and I quote:

17 "The actual house to house visitations of suspected drug personalities shall be the  
18 highlight of Project Tokhang."

19 End of quote.

20 Project Tokhang refers to Mr Duterte's anti-drug campaign on *barangay* clearance  
21 operations.

22 Ultimately, the murdered victims were now known in their close-knit communities  
23 with the stigmatised label of "*Na-Tokhang*" and as "drug users", despite the lack of any  
24 judicial declaration.

25 Third, the murdered victims of Mr Duterte's anti-drug campaign were further

1 dehumanised, even after their death, by the false narrative of "*nanlaban*". After the  
2 actual murder, the murdered victims were falsely portrayed as "*nanlaban*", that they  
3 allegedly fought back against the police, despite being the helpless victims.  
4 After the murder, evidence of illegal drugs and/or paltik guns were even planted on  
5 the murdered victims as part of the modus operandi of the anti-drug campaign to  
6 allegedly show that the victims purportedly fought back. Thus the murdered  
7 victims were not only known as "*Na-Tokhang*" and as "drug users", they were also  
8 now known in their close-knit communities with the false label of "*nanlaban*", or  
9 someone who fought back.

10 But for the surviving family members of the murdered victims, the suffered harms do  
11 not end there. The extreme trauma brought by the sudden murder of the Tokhang  
12 victims was further carried over to their surviving family members. Some of the  
13 surviving family members were even in prison and charged with fabricated criminal  
14 complaints while they were still grappling with the trauma of the sudden attack and  
15 the murder of their loved ones.

16 For the victim I earlier referred to, after her son was forcefully separated from them,  
17 she and her son's pregnant wife were both arrested and detained in a police precinct.  
18 While under detention, she was told to get her son from the morgue, but they were  
19 not actually released from detention. They were actually photographed with the  
20 foils and rocks handed to them, and afterwards they were charged with fabricated  
21 complaints relating to illegal drugs. As that victim narrates, and I quote:  
22 "While in detention, I learned that the same thing had happened to all the other  
23 detainees. Their stories were the same."

24 It took more than a year before this victim was released from imprisonment. The  
25 illegal imprisonment of surviving family members was part of the modus operandi to

1 prevent the indirect victims from filing criminal complaints against the direct  
2 perpetrators of Mr Duterte's anti-drug campaign. Thus the Document Containing  
3 the Charges in paragraph 19 refers to, and I quote, "... other violent crimes under  
4 Article 7(1)." End of quote.

5 Further, as the homes of the murdered Tokhang victims were the homes of multiple  
6 generations, how the murdered victims were brutally shot at have been traumatically  
7 witnessed by their family members, by their spouse, their children, or by their parents.  
8 This extreme trauma is a daily struggle for the surviving family members, as they still  
9 live every day in the scene of the crime, their homes. This extreme trauma of the  
10 surviving family members also occurs when they see or are about to encounter a  
11 police officer or, worse, the direct perpetrator in their community.

12 But the extreme trauma of the surviving victims does not end there. The surviving  
13 victims were socially stigmatised in their close-knit communities with the label  
14 "*Na tokhang sila*" or "*May na-tokhang sa kanila*", which, loosely translated, means they  
15 have a family member killed in a Tokhang operation. The surviving family  
16 members of the murdered victims were avoided and shunned in their close-knit  
17 community. The neighbours avoid the surviving family members, fearing for their  
18 own lives by reason of association with the murdered Tokhang victim. And the  
19 surviving family members usually mourn alone during the wake of their murdered  
20 loved one.

21 For some surviving family members who cannot endure this social isolation and  
22 continuing stigma, they eventually leave their close-knit community. The trauma  
23 and stigma are especially worse for the children of the murdered Tokhang victims.  
24 Aside from losing a parent - usually their father who is the breadwinner - the children  
25 as direct descendants of the murdered victims were avoided at school or even bullied

1 as the children of the "*Na-Tokhang*". The children of the murdered Tokhang victims  
2 have to endure bullying, stigma, trauma, depression, and some even develop  
3 symptoms such as epilepsy. And because the murdered Tokhang victims were  
4 usually the breadwinners of their families, their death meant that their surviving  
5 family members were further pushed toward further poverty. The surviving family  
6 members experience extreme socio-economic dislocation with the murder of their  
7 breadwinner.

8 Thus, Mr Duterte's anti-drug campaign, aside from murdering victims from  
9 low-income communities, also brought about the breakdown of the families of the  
10 murdered victims.

11 Mr Duterte's anti-drug campaign destroyed the trust in the close-knit communities of  
12 the murdered Tokhang victims and ultimately destroyed the social fabric of these  
13 communities.

14 Ultimately, Mr Duterte's anti-drug campaign not only murdered people, but  
15 perpetrated state terror against low-income, marginalised communities across the  
16 Philippines. As a result, Mr Duterte's anti-drug campaign shattered and terrorised  
17 these close-knit communities as a means of control.

18 And, ultimately, as the targeted victims of Mr Duterte's drug war campaign were  
19 from marginalised, vulnerable communities, his drug war campaign was not really a  
20 war on drugs, it was a war against the poor.

21 And the continued stigmatisation of the indirect victims, the surviving family  
22 members, still persists until now. The children of the murdered victims are still  
23 suffering psychologically, mentally and socio-economically. Their widowed  
24 mothers and their extended family, the grandparents - usually the grandmother - or  
25 aunts or uncles also bear the burden of providing for the children of the murdered

1 victims. And some surviving family members are still being visited or watched by  
2 the direct perpetrators to check on them.

3 Last, what do these proceedings mean to the victims?

4 The proceedings before this Chamber are being watched intently by the victims  
5 because they see it as their first step towards the truth and towards justice. There is  
6 still a culture of denial that subsists even in the close-knit communities where the  
7 victims reside. The family members of the murdered victims still cannot openly  
8 discuss the murder of their loved ones in their close-knit communities. And some  
9 quarters supportive of Mr Duterte even publicly claim that these murders, under the  
10 drug war campaign, allegedly never happened or were merely fake news or were  
11 justified as necessary.

12 These hearings on the confirmation of charges are vital to the victims of Mr Duterte's  
13 anti-drug campaign because it will be the first step for them in actualising their right  
14 to the truth and to justice under international law.

15 Madam President, your Honours, the victims know that their murdered loved ones  
16 suffered under the charge of crimes against humanity for murder being charged  
17 against Mr Duterte. Your Honours, the victims know they have seen with their eyes,  
18 they have heard with their ears and they have witnessed the barbarity of the murder  
19 wherein their loved ones' human dignity was never respected. Thus, the victims  
20 pray that this Chamber confirm the charges for crimes against humanity for murder  
21 against Mr Duterte for the sake of the truth and for the sake of justice for the victims,  
22 and so that the murderous legacy of Mr Duterte's anti-drug campaign will not find  
23 new victims in the future.

24 Madam President, your Honours, thank you for your time and kind attention. This  
25 ends of the submission of the Common Legal Representatives for Victims. May it

1 please the Chamber.

2 PRESIDING JUDGE MOTOC: [14:52:20](Interpretation) Thank you very much,

3 Mr Andres. I gather that you have finished.

4 So we -- this second day of our hearings has come to an end. In accordance with our  
5 schedule, the hearing is suspended until Thursday, 26 February, at 10 in the morning.

6 Thank you, parties, participants, our interpreters, the Registry, technical staff and all  
7 those who have worked on this hearing and allowed it to be held. I wish you a  
8 pleasant day and we will see you on Thursday.

9 The hearing is adjourned.

10 THE COURT USHER: [14:53:05] All rise.

11 (The hearing ends in open session at 2.53 p.m.)