

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/21**

Date: **6 November 2025**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF THE PHILIPPINES

Secret, *ex parte*, only available to the Prosecution

Warrant of Arrest for Mr Ronald Marapon Dela Rosa

Warrant of Arrest to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’) has before it an application for a warrant of arrest pursuant to article 58(1) of the Rome Statute (the ‘Statute’) for

Ronald Marapon Dela Rosa

a national of the Republic of the Philippines, born on 21 January 1962 in Barangay Bato, Santa Cruz, Davao del Sur (Republic of the Philippines).¹

I. Procedural history

1. On 19 April 2021, the Presidency assigned the situation in the Republic of the Philippines (the ‘Philippines’) to the Chamber.²
2. On 15 September 2021, the Chamber, in a previous composition, authorised the commencement of an investigation into the Situation in the Philippines (the ‘*Philippines Situation*’) in relation to crimes within the jurisdiction of the Court, allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the ‘war on drugs’ campaign.³
3. On 26 January 2023, following a deferral request from the Philippines,⁴ a temporary suspension of the investigative activities,⁵ and a subsequent request by the Prosecution pursuant to article 18(2) of the Statute,⁶ the Chamber authorised the Prosecution to resume the investigation into the *Philippines Situation*.⁷ The Appeals Chamber confirmed this decision on 18 July 2023.⁸

¹ Prosecution’s urgent application under article 58 for a warrant of arrest against Ronald Marapon DELA ROSA, 3 November 2025, ICC-01/21-88-US-Exp (with under seal, *ex parte*, only available to the Prosecution Annexes A-E), para. 5. See PHL-OTP-00000216 at 0001; PHL-OTP-00092315.

² Decision on the assignment of the situation in the Republic of the Philippines, ICC-01/21-1.

³ Decision on the Prosecutor’s request for authorisation of an investigation pursuant to Article 15(3) of the Statute, ICC-01/21-12 (the ‘Article 15 Decision’).

⁴ Annex A to the Notification of the Republic of the Philippines’ deferral request under article 18(2), ICC-01/21-14-AnxA.

⁵ Notification of the Republic of the Philippines’ deferral request under article 18(2), ICC-01/21-14.

⁶ Prosecution’s request to resume the investigation into the situation in the Philippines pursuant to article 18(2), 24 June 2022, ICC-01/21-46.

⁷ Authorisation pursuant to article 18(2) of the Statute to resume the investigation, ICC-01-21-56-Red (the ‘Article 18(2) Decision’).

⁸ Judgment on the appeal of the Republic of the Philippines against Pre-Trial Chamber I’s “Authorisation pursuant to article 18(2) of the Statute to resume the investigation”, ICC-01/21-77 (the ‘Article 18(2) Appeal Judgment’).

4. On 3 November 2025, the Prosecution, under seal and *ex parte*, only available to the Prosecution, applied for a warrant of arrest (the 'Application')⁹ for Ronald Marapon Dela Rosa ('Mr Dela Rosa'), as an alleged indirect co-perpetrator pursuant to article 25(3)(a) of the Statute for the crimes against humanity within the Court's jurisdiction of murder and attempted murder (articles 7(1)(a) and 23(3)(f) of the Statute), committed in the Philippines between 1 November 2011 and 16 March 2019.¹⁰

II. Jurisdiction and admissibility

5. Pursuant to the first sentence of article 19(1) of the Statute, the Chamber finds, on the basis of the materials submitted and without prejudice to future determinations on the matter, that the case against Mr Dela Rosa falls within the jurisdiction of the Court.¹¹ The Chamber is satisfied that the incidents, as described in the Application¹² and assessed below,¹³ amount to a crime against humanity that has allegedly been committed by Mr Dela Rosa, a national of the Philippines. As to the temporal jurisdiction, the Chamber recalls, that '[w]hile the Philippines' withdrawal from the Statute took effect on 17 March 2019, the Court retains jurisdiction with respect to alleged crimes that occurred on the territory of the Philippines while it was a State Party, from 1 November 2011 up to and including 16 March 2019.'¹⁴ It further recalls that '[t]he Court's jurisdiction and mandate is exercised in accordance with the provisions of the Statute, an international treaty to which the Philippines was a party at the time of the alleged crimes for which the investigation was authorised. By ratifying the Statute, the Philippines explicitly accepted the jurisdiction of the Court, within the limits mandated by the treaty [...]. These provisions and the ensuing obligations remain applicable, notwithstanding the Philippines['] withdrawal from the Statute.'¹⁵

6. Recently, albeit in a different case, the Chamber held in relation to the Court's jurisdiction over the *Philippines* Situation, that 'as a result of the Prosecution's preliminary examination having commenced prior to both the Philippines depositing its written notification of

⁹ Prosecution's urgent application under article 58 for a warrant of arrest against Ronald Marapon DELA ROSA, ICC-01/21-88-US-Exp (with under seal, *ex parte*, only available to the Prosecution Annexes A-E).

¹⁰ Application, paras 1, 59-60.

¹¹ See Article 18(2) Decision; Article 18(2) Appeal Judgment.

¹² See Application, para. 59 (iii), (iv), (vii) and para. 60 (viii), (xvii), (xxi), (xxiii), (xxiv), (xxv), (xxvi), (xxviii), (xxx), (xxxiii), (xxxiv).

¹³ See Section III.A.2. ('The alleged crimes') below.

¹⁴ Article 15 Decision, para. 111.

¹⁵ Article 18(2) Decision, para. 26, *referring to* article 127(2) of the Statute. See also Article 18(2) Appeal Judgment, paras 48-58.

withdrawal from the Statute and the date on which that withdrawal became effective, the Chamber finds that the Court can exercise its jurisdiction [...] over the crimes [...] that were committed on the territory of the Philippines while it was a State Party'. It further noted that '[t]he jurisdictional regime set out in Part 2 of the Statute continues to apply to this case as if the Philippines were still a Party to the Statute, so as to ensure that, pursuant to article 127(2) of the Statute, the withdrawal of the Philippines from the Statute "shall not [...] prejudice in any way the continued consideration of any matter which was already under consideration by the Court prior to the date on which the withdrawal became effective"'.¹⁶

7. As the alleged common plan to 'neutralise' alleged criminals in the Philippines concerns the period between 1 November 2011 and 16 March 2019,¹⁷ and the alleged murders considered below were committed between 3 July 2016 and the end of April 2018, on the territory of the Philippines, this conduct falls within the Court's jurisdiction.¹⁸

8. At this stage, the Chamber declines to use its discretionary *proprio motu* power pursuant to the second sentence of article 19(1) of the Statute to determine the admissibility of the case against Mr Dela Rosa, as there is no ostensible cause or self-evident factor which impels it to do so.¹⁹

III. Requirements of article 58(1) of the Statute

9. Article 58(1) of the Statute provides that the Pre-Trial Chamber shall, on the application of the Prosecution, issue a warrant of arrest for a person if it is satisfied that there are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court, and the arrest of the person appears necessary. The findings of facts, as set out below, are therefore made based on this evidentiary standard.

10. As set out below, the Chamber finds that there are reasonable grounds to believe Mr Dela Rosa has committed the crime against humanity of murder. This conclusion is based on the Chamber's consideration of only part of the alleged incidents contained in the Application. The Chamber has assessed those incidents due to the stated urgency of the Chamber's consideration of the Application²⁰ and without prejudice to its consideration of the

¹⁶ Decision on the Defence Challenge to the Jurisdiction of the Court, 23 October 2025, ICC-01/21-01/25-309, para. 84.

¹⁷ See Section III.A.3. ('Mr Dela Rosa's individual criminal responsibility') below.

¹⁸ The Chamber notes that the other alleged incidents that have not yet been assessed, would also fall within the Court's temporal jurisdiction.

¹⁹ See Article 18(2) Appeal Judgment.

²⁰ Application, para. 88.

remaining incidents at a later stage. The incidents analysed, which – as submitted by the Prosecution – are only a ‘sample of multiple acts of violence referred to in article 7(1)’ of the Statute,²¹ suffice to reach the finding on the alleged crime.

A. Whether there are reasonable grounds to believe Mr Dela Rosa has committed a crime within the jurisdiction of the Court (article 58(1)(a) of the Statute)

1. Contextual elements

11. The material provided by the Prosecution shows that the Davao Death Squad (the ‘DDS’) members and later the Philippines’ law enforcement personnel²² targeted a large number of persons who were on the territory of the Philippines and allegedly involved in criminal activities,²³ in particular drug-related ones.²⁴ The Prosecution refers to 35 incidents as a sample of the alleged conduct.²⁵ Even though the Chamber only assessed 14 of the incidents, this representative number already shows that there was a course of conduct involving the commission of multiple acts against a civilian population on the territory of the Philippines.²⁶ These violent acts were committed by different city or governmental authorities and organs, pursuant to a policy aiming at putting an end to the criminality in the Philippines by all means, including by killing alleged criminals.²⁷

12. Based on the foregoing, the Chamber finds reasonable grounds to believe that an ‘attack’, within the meaning of article 7(1) of the Statute, was directed at a civilian population; initially pursuant to an organisational policy and later, when Rodrigo Roa Duterte (‘Mr Duterte’) became the President of the Philippines, a State policy.

²¹ Application, para. 43.

²² PHL-OTP-00000541 at 0004-0007, 0015-0016; PHL-OTP-0003-2538 at 2538-2545; PHL-OTP-00000547 at 0003-0005; PHL-OTP-00015506 at 0004; PHL-OTP-00015507 at 0005-0006; and PHL-OTP-0003-2538 at 2538-2545 PHL-OTP-0004-0006, paras 93, 137, 156-160, 255-258; PHL-OTP-0002-0626, paras 99-102, 117-122, 228-229, 319, 321, 557, 597; PHL-OTP-00000549 at 0003-0006; PHL-OTP-00015509 at 0004.

²³ PHL-OTP-0001-2639 at 2652-2653; PHL-OTP-0001-2682 at 2690; PHL-OTP-0001-2605 at 2616; PHL-OTP-00000147 at 0030; PHL-OTP-00000547 at 0016; PHL-OTP-0002-0626, paras 306, 308, 310; PHL-OTP-00015507 at 0005-0006.

²⁴ PHL-OTP-00015390 at 0010-0011; PHL-OTP-0001-2639 at 2652-2653; PHL-OTP-0001-2682 at 2690; PHL-OTP-0001-2605 at 2616; PHL-OTP-00015501 at 0002; PHL-OTP-00000547 at 0016; PHL-OTP-0004-0006, paras 259-265; PHL-OTP-00000147 at 0030; PHL-OTP-0002-0626, paras 306, 308, 310.

²⁵ Application, paras 58-60.

²⁶ See Section III.A.2. (‘The alleged crimes’) below.

²⁷ PHL-OTP-00090741 (transcript PHL-OTP-0003-3291 at 3292); PHL-OTP-0003-3800 (translation PHL-OTP-00015493 at 0004); PHL-OTP-0003-3224 (translation PHL-OTP-00015479 at 0016); PHL-OTP-0003-3261 (translation PHL-OTP-00015492 at 0006). See also PHL-OTP-0004-0006, paras 259-265; PHL-OTP-00015390 at 0010-0011; PHL-OTP-00000271 (translation PHL-OTP-00000558 at 0008).

13. Moreover, there are reasonable grounds to believe that this attack was both widespread and systematic. In this regard, the Chamber notes that the attack took place over a period of several years, and thousands of people are reported to have been killed,²⁸ a sample of which is analysed in the section below.²⁹ In addition, the material provided by the Prosecution shows that the killings shared common features, such as a similar *modus operandi*,³⁰ namely in terms of the locations and the methods of killing;³¹ the profiles of perpetrators;³² and the profiles of victims.³³

14. The Chamber finds that, due to Mr Dela Rosa's role and positions held during the time of the alleged attack pursuant to article 7(1) of the Statute, including as chief of the Davao Police and subsequently as chief of the Philippine National Police (the 'PNP'),³⁴ he necessarily knew about the operations and their scope. Indeed, the material before the Chamber shows that his contributions to the common plan³⁵ furthered the widespread and systematic attack directed against all persons designated as involved in criminal activities, especially drug-related ones, and, based on his own public statements, that he intended his actions to be part of the alleged attack against the civilian population.³⁶

2. The alleged crimes

15. In the Application, the Prosecution presents a non-exhaustive list of incidents,³⁷ of which, for the reasons set out above, the Chamber decided to select and analyse the following sample: Incident 3; Incident 4; Incident 7; Incident 8; Incident 17; Incident 21; Incident 23; Incident 24; Incident 25; Incident 26; Incident 28; Incident 30; Incident 33; and Incident 34 (the

²⁸ PHL-OTP-0003-3355 at 3379; PHL-OTP-0003-2538 at 2538. See also PHL-OTP-0003-1004 at 1013; PHL-OTP-00017684 at 0006-0023; and PHL-OTP-00091837.

²⁹ See Section III.A.2. ('The alleged crimes') below.

³⁰ PHL-OTP-00000541 at 0004-0006; PHL-OTP-00000549 at 0003-0005 and 0012-0016; PHL-OTP-00000550 at 0002-0004; PHL-OTP-00015509 at 0004; PHL-OTP-0002-0626, paras 100, 228-229, 557, 597; PHL-OTP-0004-0006, paras 255-258.

³¹ PHL-OTP-00000541 at 0004-0006; PHL-OTP-0004-0006, paras 93, 135-143, 156-160, 194, 329; PHL-OTP-0002-0626, paras 99, 102, 117-122, 288, 319, 321.

³² PHL-OTP-00000547 at 0003-0005; PHL-OTP-00015506 at 0004; PHL-OTP-00015507 at 0005-0006; and PHL-OTP-0003-2538 at 2538-2545.

³³ PHL-OTP-0004-0006 at 0059-0060; PHL-OTP-0001-2639 at 2652-2653; PHL-OTP-0001-2682 at 2690; PHL-OTP-00000547 at 0016; PHL-OTP-00015507 at 0005-0008; PHL-OTP-00000147 at 0030; PHL-OTP-0002-0626, paras 306, 308, 310, 368-369.

³⁴ See Section III.A.3. ('Mr Dela Rosa's individual criminal responsibility') below.

³⁵ See Section III.A.3. ('Mr Dela Rosa's individual criminal responsibility') below.

³⁶ PHL-OTP-00015288 (transcript: PHL-OTP-00015603, translation: PHL-OTP-00015613); and PHL-OTP-00015282 (transcript: PHL-OTP-00015610, translation: PHL-OTP-00015577).

³⁷ Application, paras 58-60.

'Incidents').³⁸ The Incidents are only a sample that represents a potentially broader pattern of conduct. Noting that a warrant of arrest can only be issued for the conduct for which the Chamber has assessed the material submitted by the Prosecution and found the material to be in support of the relevant allegations, the Chamber clarifies that since it did not assess the other alleged incidents, these incidents, or the material provided in their support, are not rejected. The following findings thus should not be understood as limiting the Prosecution in adding the incidents which have not been considered for the present arrest warrant, or further incidents, at a later stage.³⁹

16. Based on the material submitted by the Prosecution in support of the Incidents, the Chamber finds reasonable grounds to believe that, at least between 3 July 2016 and the end of April 2018, members of the Philippines' law enforcement, sometimes with the assistance of persons who were not part of the police such as non-police assets and paid hitmen, killed no less than 32 persons – alleged criminals, such as alleged thieves, or people allegedly involved in drug-related activities – at various locations in the Philippines.⁴⁰

³⁸ See Application, para. 59 (iii), (iv), (vii) and para. 60 (viii), (xvii), (xxi), (xxiii), (xxiv), (xxv), (xxvi), (xxviii), (xxx), (xxxiii), (xxxiv).

³⁹ For instance as done by the Prosecution in *The Prosecutor v. Rodrigo Roa Duterte*: Document Containing the Charges, 4 July 2025, ICC- 01/21-01/25-178-Conf.

⁴⁰ From the sample of incidents selected by the Chamber from Counts 1 and 2 presented in the Application by the Prosecution, the Chamber has retained as proven these incidents based on the following supporting material: **Incident 3**: PHL-OTP-00016420 at 0011-0042, 0048-0053; PHL-OTP-00017506 at 0009-0038, 0042-0046. See also PHL-OTP-00017072 at 0004-0018; PHL-OTP-00014890 at 0017-0021, 0025-0027; **Incident 4**: PHL-OTP-00015487 at 0028-0033; PHL-OTP-00015488 at 0002-0028; PHL-OTP-00088631 at 0011-0012; PHL-OTP-00015489 at 0002-0004; PHL-OTP-00088636 at 0017, 0019-0027. See also PHL-OTP-0003-2523 at 2531; PHL-OTP-00015173; PHL-OTP-00019397; PHL-OTP-00017571 at 0030; PHL-OTP-00015317; PHL-OTP-00015346 at 0001; **Incident 7**: PHL-OTP-00088769 at 0004-0005, 0007-0009; PHL-OTP-00088771 at 0018; PHL-OTP-00088772 at 0003-0009; PHL-OTP-00017633 (Transcript PHL-OTP-00091707; Translation PHL-OTP-00091701 at 0002-0003); PHL-OTP-00017675 (Translation PHL-OTP-00017700 at 0004, 0005); PHL-OTP-00017606 at 0001-0003, para. 4; PHL-OTP-00088705 at 0001, 0004; PHL-OTP-00088708 at 0031; PHL-OTP-00003793 at 0001; PHL-OTP-00014895 at 0005-0006; PHL-OTP-00014895, paras 18-28; PHL-OTP-00088695 at 0001-0004. See also PHL-OTP-00017700, paras 18-31, 32-42, 49-50; PHL-OTP-00002236, paras 150-151; PHL-OTP-00003426 at 0001-0002; **Incident 8**: PHL-OTP-00019414 at 0004; PHL-OTP-00019415 at 0004-0006; PHL-OTP-00019423 at 0004-0005, 0013, 0018-0026; PHL-OTP-00015602 (translation PHL-OTP-00016418 at 0001-0002). See also PHL-OTP-00016180, para. 1; PHL-OTP-00016188, para. 2; PHL-OTP-00016191 at 0001-0002 (Translation PHL-OTP-00088712 at 0001-0002); **Incident 17**: PHL-OTP-00019427 at 0008-00011, 0018-0021, 0021-0022; PHL-OTP-00019428 at 0002-0004; PHL-OTP-00016789, para. 2; PHL-OTP-00016776 at 0001, para. 2; PHL-OTP-00016790 at 0001; PHL-OTP-00016787 at 0002, para. 6. See also PHL-OTP-0002-0621; PHL-OTP-0002-0626 at 0662-0663, paras 187-189; PHL-OTP-0010-8822; PHL-OTP-0010-8823; PHL-OTP-0010-8830; **Incident 21**: PHL-OTP-00000537 at 0016; PHL-OTP-00000541 at 0004, 0013-0015; PHL-OTP-00091886 at 0013, 0018; PHL-OTP-00091887 at 0002-0003; PHL-OTP-00091886 at 0006, 0013, 0015-0016; PHL-OTP-00000552 at 0003-0004; **Incident 23**: PHL-OTP-00000556 at 0008-0012; PHL-OTP-0006-8760 at 8773. See also PHL-OTP-00091852 at 0013; **Incident 24**: PHL-OTP-00000547 at 0004-0010; PHL-OTP-00090723 at 0011; PHL-OTP-00000552 at 0004-0005; PHL-OTP-00090723 at 0011. See also PHL-OTP-00000605 at 0008-0012; PHL-OTP-00019034 (Transcript PHL-OTP-00092360; Translation PHL-OTP-00092386 at 0002); **Incident 25**: PHL-OTP-00000552 at 0005-0014; PHL-OTP-00091853 at 0010-0013; PHL-

17. In light of the above findings on the alleged crimes, as well as those on the contextual elements,⁴¹ the Chamber considers that there are reasonable grounds to believe that all elements of the crimes against humanity of murder pursuant to article 7(1)(a) of the Statute are met and that the crime was committed in the territory of the Philippines at least between 3 July 2016 and the end of April 2018.

3. Mr Dela Rosa's individual criminal responsibility

18. The Chamber finds that there are reasonable grounds to believe that during the time period relevant to the common plan, Mr Dela Rosa was a police officer for more than 30 years and held the following specific positions: (i) various positions in the PNP in the Davao region until 30 June 2016, including as City Director of the Davao City Police Office (the 'DCPO') from 1 February 2012 to 17 October 2013, and in the PNP Intelligence Group and Directorate for Human Resource and Doctrine Development; (ii) Chief of the PNP, from 1 July 2016 to 19 April 2018; and (iii) Director General of the Bureau of Corrections from 30 April to 12 October 2018.⁴²

19. Mr Dela Rosa, as a high ranking police officer in Davao, and from July 2016, as Chief of the PNP, jointly with high-ranking government officials and members of the police force (the 'Co-Perpetrators') and through other persons,⁴³ agreed to 'neutralise'⁴⁴ alleged criminals in the Philippines (including those perceived or alleged to be associated with drug use, sale or production) through violent crimes including murder.⁴⁵ The common plan was initially

OTP-00090723 at 0013. See also PHL-OTP-0006-8760 at 8776, paras 2-3; **Incident 26:** PHL-OTP-00017594, paras 1, 4. See also PHL-OTP-0002-0626, paras 488-489; PHL-OTP-0014-1201; PHL-OTP-0014-1202; PHL-OTP-0014-1203; PHL-OTP-00002236, paras 143-146; PHL-OTP-0003-3109 at 3113-3122, 3133, 3136 (Translation PHL-OTP-00091734); **Incident 28:** PHL-OTP-00000549 at 0003-0009; PHL-OTP-0001-4422 (Transcript PHL-OTP-00019384; Translation PHL-OTP-0007-0928 at 0930); PHL-OTP-00000234 (Transcript PHL-OTP-00015609; Translation PHL-OTP-00015576 at 0002); PHL-OTP-00001075 at 0030-0032; PHL-OTP-00000553 at 0012. See also PHL-OTP-0006-8760 at 8777; **Incident 30:** PHL-OTP-00000541 at 0005-0008; PHL-OTP-00000544 at 0004-0010; PHL-OTP-00000545 at 0004. See also PHL-OTP-0001-4420 (Transcript PHL-OTP-00019383; Translation PHL-OTP-0007-0925); **Incident 33:** PHL-OTP-00000554 at 0008-0014. See also PHL-OTP-00015262 (translation PHL-OTP-00015361 at 0001); **Incident 34:** PHL-OTP-00000527 at 0018; PHL-OTP-00000541 at 0006; PHL-OTP-00000546 at 0011-0019; PHL-OTP-00091726 at 0017-0019; PHL-OTP-00001075 at 0015. See also PHL-OTP-00000601 at 0009; PHL-OTP-00000590 at 0008-0009. Regarding the number of victims alleged in Incident 7, the Chamber notes that the Prosecution alleges the murder of 16 individuals. However, the Prosecution only provided sufficient material to establish the killing of 15 individuals. This finding is without prejudice to any further supporting material that the Prosecution might provide at a later stage, on the basis of which the Chamber can re-assess the number of allegedly killed persons.

⁴¹ See Section III.A.1. ('Contextual elements') above.

⁴² PHL-OTP-00000216 at 0002; PHL-OTP-00090642.

⁴³ PHL-OTP-0001-2691 at 2711-2713; PHL-OTP-00015507 at 0008; PHL-OTP-00015508 at 0008; PHL-OTP-00015515 at 0017-0018.

⁴⁴ PHL-OTP-00015502 at 0005; PHL-OTP-00015390 at 0011.

⁴⁵ PHL-OTP-0001-2639 at 2652-2653; PHL-OTP-0001-2682 at 2690; PHL-OTP-00015501 at 0002; PHL-OTP-00015401 at 0003.

implemented from at least 1 November 2011 in Davao where Mr Duterte had established a 'death squad', composed of police officers and non-police hitmen, with a mission to kill criminals, including drug dealers: the DDS.⁴⁶ From July 2016 onwards, the common plan was rolled out throughout the country during the presidency of Mr Duterte.⁴⁷ The word 'neutralise' was used and understood by those involved in the operations to mean to 'kill'.⁴⁸ This agreement had the aim of 'address[ing] the growing criminality' by 'kill[ing criminals] in a very covert and secret manner' without 'stick[ing] to the basic law enforcement or investigation', which had allegedly proven ineffective in eliminating or reducing the crimes.⁴⁹

20. As shown below, the Chamber finds reasonable grounds to believe that Mr Dela Rosa and his Co-Perpetrators committed the crimes through the direct perpetrators.

21. In Davao, Mr Dela Rosa and some of his Co-Perpetrators, through their official and *de facto* positions, controlled a structure of power, consisting in the local police and the related DDS hierarchy, which allowed them to direct and control the actions of the direct perpetrators.⁵⁰ They recruited individuals they could trust and control.⁵¹ The members of the DDS complied with the Co-Perpetrators directions, even those that were merely implied.⁵² The material shows that the direct perpetrators were easily replaced, considering that some of them were killed for seemingly opposing the common plan, wanting to leave the DDS, or having too much information about the DDS killings.⁵³

22. The Co-Perpetrators further agreed to apply the common plan nationwide.⁵⁴ For that purpose, they established a network of perpetrators comprising law enforcement officers

⁴⁶ PHL-OTP-0006-9247 at 9247; PHL-OTP-00000406 at 0003; PHL-OTP-00015401 at 0002-0012; PHL-OTP-00015402 at 0002-0006; PHL-OTP-00015501 at 0002; PHL-OTP-0006-9247 at 9247; PHL-OTP-00000406 at 0003; PHL-OTP-0001-2576 at 2591-2593.

⁴⁷ PHL-OTP-0005-0259 at 0259-0260.

⁴⁸ PHL-OTP-00015390 at 0010-0011; PHL-OTP-0004-0006 at 0059-0060; PHL-OTP-00015502 at 0005; PHL-OTP-00015394 at 0015-0018; PHL-OTP-00015486 at 0008, 0026-0027; PHL-OTP-00015488 at 0004-0005; PHL-OTP-00015501 at 0003; PHL-OTP-00015502 at 0005.

⁴⁹ PHL-OTP-00015507 at 0005-0006.

⁵⁰ PHL-OTP-0003-3321 at 3329; PHL-OTP-0009-0143 at 0144-0145, 0162-0163; PHL-OTP-00000259 at 0167-0172; PHL-OTP-0005-2102 at 2165; PHL-OTP-0001-2605 at 2632; PHL-OTP-00015507 at 0006, 0008; PHL-OTP-00015508 at 0008, 0010; PHL-OTP-00015515 at 0017-0018; PHL-OTP-00015390 at 0016; PHL-OTP-0006-9247 at 9249, 9260.

⁵¹ PHL-OTP-0001-2549 at 2558-2560; PHL-OTP-00015506 at 0015-0018.

⁵² PHL-OTP-00015403 at 0008-0009; PHL-OTP-0001-2605 at 2630-2631; PHL-OTP-00015508 at 0008. See also PHL-OTP-00015510 at 0002; PHL-OTP-00015392 at 0021.

⁵³ PHL-OTP-00015509 at 0012; PHL-OTP-00015473 at 0002-0009; PHL-OTP-00015445 at 0004. See also PHL-OTP-0003-0886 at 0918.

⁵⁴ PHL-OTP-00001485 (Transcript PHL-OTP-00015384; Translation PHL-OTP-00015389 at 0002); PHL-OTP-00015282 (Transcript PHL-OTP-00015610; Translation PHL-OTP-00015577 at 0002); PHL-OTP-00015285 (Transcript PHL-OTP-00016133; Translation PHL-OTP-00015742 at 0005-0008).

(including personnel from the PNP, Philippine Drug Enforcement Agency, National Bureau of Investigation and the Bureau of Corrections),⁵⁵ non-police assets and hitmen, in order to conduct operations to kill alleged criminals and ensure their impunity. The leadership position of the Co-Perpetrators, including Mr Dela Rosa, within the network enabled them to control the criminal acts carried out by the direct perpetrators. In this regard, Mr Dela Rosa, as the Chief of the PNP, held *de jure* control over the direct perpetrators. He was responsible for the command and direction of the whole PNP, including the utilisation of the PNP and its units and personnel.⁵⁶ He also had the power to impose disciplinary sanctions and bore command responsibility for his subordinates.⁵⁷ Mr Dela Rosa publicly expressed his awareness of his power over his subordinates in the PNP stating that since the President Rodrigo Roa Duterte chose him, they should follow him and that, in any event, it would not be hard to make them follow.⁵⁸ He also ensured his *de facto* control over the police by cultivating his image of a strong enforcer of the common plan by, *inter alia*, (i) using his nickname 'Bato' as an anagram to describe his roadmap in leading the PNP;⁵⁹ and (ii) launching, through the PNP, a mobile game application where users could play with a character named 'Bato Chief Enforcer' and shoot criminals.⁶⁰

23. In implementing the common plan at the national level, the Co-Perpetrators also took advantage of direct perpetrators' issues and concerns, such as being suspected of drug-related offences, to ensure the killings of victims.⁶¹ That low and mid-level perpetrators could be easily replaced can be inferred from the fact that they were either killed or prosecuted as scapegoats to ensure impunity of the high-level perpetrators,⁶² or were told that they would lose their position if they did not kill enough persons.⁶³

⁵⁵ As president of the Philippines and co-perpetrator, Rodrigo Roa Duterte had control over all the executive departments, bureaus and offices, including the PNP, the National Bureau of Investigation, the Philippine Drug Enforcement Agency and the Bureau of Corrections, and supervisory powers over local governments. See PHL-OTP-0003-3321 at 3221; PHL-OTP-0009-0169 at 0172-0174; PHL-OTP-0017-4870 at 4904, 4909-4910; PHL-OTP-0005-2102 at 2125; PHL-OTP-00090432 at 0002.

⁵⁶ PHL-OTP-0003-3321 at 3324.

⁵⁷ PHL-OTP-0003- 3321 at 3327; PHL-OTP-00000345 at 0006-0007.

⁵⁸ PHL-OTP-00015282 (Transcript PHL-OTP- 00015610; Translation PHL-OTP-00015577 at 0002).

⁵⁹ See PHL-OTP-0005-2005 at 2006-2007, 2080; PHL-OTP-00017571 at 0008.

⁶⁰ PHL-OTP-00093061. See also PHL-OTP-00093059 at 0001; PHL-OTP-00093063.

⁶¹ PHL-OTP-00000552 at 0022-0024; PHL-OTP-00000540 at 0008-0011; PHL-OTP-00015392 at 0018-019.

⁶² PHL-OTP-00000541 at 0009; PHL-OTP-00000545 at 0010-0017; PHL-OTP-00000550 at 0010. See also Article 18 Decision, para. 68.

⁶³ PHL-OTP-00088773 at 0022-0023; PHL-OTP-00088946 at 0016.

24. Within the framework of this common plan, on the basis of the material provided, the Chamber finds reasonable grounds to believe that Mr Dela Rosa made essential contributions to committing the alleged crime in the following manner:

- a. Using his position as DCPO Chief to enable DDS killings and to conceive and implement a style of police operations referred to as '*Tokhang*', in Davao City,⁶⁴ and later implemented these operations nationally;⁶⁵
- b. Making public statements authorising, condoning and promoting the killing of alleged criminals;⁶⁶
- c. Promulgating the Command Memorandum Circular (the 'CMC') No. 16-2016, setting out the PNP anti-illegal drugs campaign plan,⁶⁷ and reinforcing the message that its implementation entailed the commission of crimes, including unlawful killings;⁶⁸
- d. Using his power over the PNP to enable killings, including through the provision to the relevant enforcement entities of personnel and other logistical resources such as weapons to the crimes;⁶⁹
- e. Appointing key personnel to strategic police positions in order to further the execution of the common plan;⁷⁰

⁶⁴ PHL-OTP-00001721 at 0011-0013; PHL-OTP-00015508 at 0011; PHL-OTP-00001485 (Transcript PHL-OTP-00015384; Translation PHL-OTP-00015389 at 0004). See also PHL-OTP-00001086 at 0004, 0019; PHL-OTP-00015201.

⁶⁵ PHL-OTP-00090408 at 0005; PHL-OTP-00088633 at 0026; PHL-OTP-00019416 at 0020-0021; PHL-OTP-00088947 at 0023-0025; PHL-OTP-00088782 at 0006.

⁶⁶ PHL-OTP-00015282 (Transcript PHL-OTP-00015610; Translation PHL-OTP-00015577 at 0002); PHL-OTP-00015285 (Transcript PHL-OTP-00016133; Translation PHL-OTP-00015742 at 0012); PHL-OTP-00015288 (Transcript PHL-OTP-00015603; Translation PHL-OTP-00015613 at 0002-0003); PHL-OTP-00000288 (Transcript PHL-OTP-00000841; Translation PHL-OTP-00000849 at 0002); PHL-OTP-0003-1334 at 1334; PHL-OTP-00092203 (Transcript PHL-OTP-00092638; Translation PHL-OTP-00092647 at 0004-0005); PHL-OTP-00092202 (Transcript PHL-OTP-00092613; Translation PHL-OTP-00092612 at 0003); PHL-OTP-00015279 (Transcript PHL-OTP-00015726; Translation PHL-OTP-00015743 at 0002). See also PHL-OTP-00015276 (Transcript PHL-OTP-00015618; Translation PHL-OTP-00015620 at 0002); PHL-OTP-00019314 (Transcript PHL-OTP-00092383; Translation PHL-OTP-00092382 at 0007-0008); PHL-OTP-00092237 (Transcript PHL-OTP-00092681; Translation PHL-OTP-00092679 at 0004); PHL-OTP-00092785 (Transcript PHL-OTP-00092861; Translation PHL-OTP-00092852 at 0004). See also PHL-OTP-00090638 at 0001; PHL-OTP-00092928 at 0001; PHL-OTP-00092930 at 0001.

⁶⁷ PHL-OTP-0005-0259.

⁶⁸ PHL-OTP-00015288 (Transcript PHL-OTP-00015603; Translation PHL-OTP-00015613 at 0002-0003); PHL-OTP-00000288 (Transcript PHL-OTP-00000841; Translation PHL-OTP-00000849 at 0002); PHL-OTP-0003-1334 at 1334.

⁶⁹ PHL-OTP-00088636 at 0030; PHL-OTP-00019438 at 0012-0013; PHL-OTP-00090407 at 0013; PHL-OTP-00090407 at 0013; PHL-OTP-00000556 at 0012.

⁷⁰ PHL-OTP-0003-3321 at 3324; PHL-OTP-00092110 at 0009, 0011; PHL-OTP-00088654 at 0003; PHL-OTP-00000198 at 0003; PHL-OTP-00000894 at 0002-0007. See also PHL-OTP-00017571 at 0084; PHL-OTP-00089061 at 0001-0002.

- f. Transferring police perpetrators from the Davao region to use them in other priority regions;⁷¹
- g. Encouraging the police to legitimise killings through fictitious self-defence scenarios⁷² and promising impunity;⁷³
- h. Ordering the police to kill specific targets and planning killing operations;⁷⁴ and
- i. Expressing approval⁷⁵ and rewarding perpetrators of killings.⁷⁶

25. Based on the material before it and the aforementioned findings, the Chamber further finds reasonable grounds to believe that Mr Dela Rosa acted with intent and knowledge, within the meaning of article 30 of the Statute, in relation to the killings underlying the crime found to have been committed. The Chamber infers his knowledge and intent from, *inter alia*, his alleged conduct of promulgating the CMC No. 16-2016 instructing and supporting the nationwide extrajudicial killings of alleged criminals; appointing key personnel to strategic police positions which were crucial to the execution of the common plan; making public statements authorising, condoning and promoting the killing of alleged criminals as well as promising impunity for the direct perpetrators; and supplying necessary staff and equipment to implement the attacks.

26. Taking into account the totality of the information before it, the Chamber finds reasonable grounds to believe that Mr Dela Rosa, by virtue of his involvement in a common plan that lasted from approximately 1 November 2011 until 16 March 2019, is individually responsible pursuant to article 25(3)(a) of the Statute for having committed, jointly with the Co-Perpetrators and through other persons the crime against humanity of murder (article 7(1)(a) of the Statute). There are reasonable grounds to believe that the murders for which Mr Dela

⁷¹ Regarding the transfer of a prominent police officer from the Davao region: PHL-OTP-00015514 at 0009-0012; PHL-OTP-00015541 at 0005; PHL-OTP-0002- 0626 at 0690, para. 331; PHL-OTP-00000894 at 0021; PHL-OTP-0003-0309, at 3009-3013. Regarding the transfer of eight other police officers from the Davao region: PHL-OTP-00000894 at 0028. See also PHL-OTP-0003-0549.

⁷² PHL-OTP-00015285 (Transcript PHL-OTP- 00016133; Translation PHL-OTP-00016403 at 0005-0008); PHL-OTP-00092203 (Transcript PHL-OTP- 00092638; Translation PHL-OTP-00092647 at 0004-0005); PHL-OTP-00092202 (Transcript PHL-OTP- 00092613; Translation PHL-OTP-00092612 at 0003). On how the message was understood to mean that killings should be covered up: PHL-OTP-00092192 at 0007-0008.

⁷³ PHL-OTP-00092785 (Transcript PHL-OTP- 00092861; Translation PHL-OTP-00092852 at 0007); PHL-OTP-00092203 (Transcript PHL-OTP- 00092638; Translation PHL-OTP-00092647 at 0004); PHL-OTP-00092202 (Transcript PHL-OTP- 00092613; Translation PHL-OTP-00092612 at 0002); PHL-OTP-00092237 (Transcript PHL-OTP- 00092681; Translation PHL-OTP-00092679 at 0005).

⁷⁴ PHL-OTP-00092666 at 0002; PHL-OTP-00092664 at 0019-0020, 0023. See also PHL-OTP-00088616 at 0002.

⁷⁵ See e.g., Mr Dela Rosa's speech in Ozamiz city after the police allegedly killed the mayor of the city: PHL-OTP-00019314 (Transcript PHL-OTP-00092383; Translation PHL-OTP-00092382 at 0007-0008).

⁷⁶ PHL-OTP-00092665 at 0015. See also PHL-OTP-00015394 at 0022, 0024, 0045-0047; PHL-OTP-00015487 at 0018-0019; PHL-OTP-00088631 at 0013-0016.

Rosa bears such responsibility were committed at least within the period of 3 July 2016 until the end of April 2018, without prejudice to the Chamber's consideration at a later stage of further alleged incidents within, as well as, outside this period.

B. Necessity of the arrest

27. The Prosecution submits that the arrest of Mr Dela Rosa is necessary to ensure his appearance before the Court.⁷⁷ After evaluating the information submitted by the Prosecution, the Chamber accepts that 'there is no reasonable expectation that he would cooperate with a summons to appear issued by the Court'.⁷⁸ In this regard, the Chamber observes that Mr Dela Rosa reportedly publicly threatened an investigator of the Prosecution and referred to those cooperating with the ICC investigation as 'traitors'.⁷⁹ He also appears to have issued threats to ICC investigators,⁸⁰ and fuelled disinformation campaigns in the Philippines.⁸¹ Given the risk of interference with the investigations and the security of witnesses and victims, the Chamber is satisfied that the arrest of Mr Dela Rosa is necessary within the meaning of article 58(1)(b)(i) and (ii) of the Statute to ensure his appearance before the Court and that he does not obstruct or endanger the investigation and/or the court proceedings.

C. Classification

28. The Prosecution filed the Application with an 'under seal, *ex parte*, only available to the Prosecution' classification. The Chamber notes the Prosecution's submissions on the risk for victims and witnesses, as well as attempts, including by the suspect, to interfere with the investigation. The Chamber therefore finds it appropriate to classify the present document as 'secret'.

⁷⁷ Application, para. 87.

⁷⁸ Application, para. 87.

⁷⁹ PHL-OTP-00092273 (transcript: PHL-OTP-00092331 and translation: PHL-OTP-00092324). See also PHL-OTP-00088950.

⁸⁰ PHL-OTP-000888948.

⁸¹ PHL-OTP-00092273 (transcript: PHL-OTP-00092331 and translation: PHL-OTP-00092324).

FOR THESE REASONS, THE CHAMBER HEREBY**1) ISSUES a WARRANT OF ARREST for****Ronald Marapon Dela Rosa**

a national of the Republic of the Philippines,
born on 21 January 1962,
in Barangay Bato, Santa Cruz, Davao del Sur (Republic of the Philippines)

for his alleged criminal responsibility as an indirect co-perpetrator (pursuant to article 25(3)(a) of the Rome Statute) for a crime within the jurisdiction of the International Criminal Court, as specified below and based on the conduct set out above, by virtue of his involvement in a common plan that lasted from approximately 1 November 2011 until 16 March 2019, together with his co-perpetrators, to kill alleged criminals in the Philippines (including those perceived or alleged to be associated with drug use, sale or production), which amounts to the:

crime against humanity of murder (article 7(1)(a) of the Rome Statute), committed at least between 3 July 2016 and the end of April 2018, during which no less than 32 persons were killed, in the Republic of the Philippines.

2) DECIDES that, if required for the execution of the warrant of arrest, the warrant of arrest, currently classified as secret, may be communicated to, or its existence be revealed to States, international organisations or competent persons, and that the existence of the Prosecution's application for the present warrant, currently classified as under seal, may similarly be mentioned to States, international organisations or competent persons;

DECIDES that the Registry shall, if the Prosecution indicates that a situation arises warranting to do so, or on the basis of information otherwise made available to the Registry:

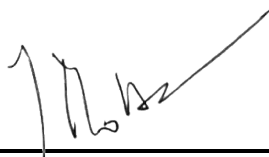
- (i) prepare a request for cooperation seeking the arrest and surrender of Mr Dela Rosa, containing the information and documents required by articles 89(1) and 91 of the Statute and rule 187 of the Rules of Procedure and Evidence;
- (ii) prepare a request for provisional arrest pursuant to article 92 of the Statute, containing the required information and documents;

- (iii) transmit, in consultation and coordination with the Prosecution, the request, in accordance with article 87 of the Statute, to cooperate with the Court for the purpose of executing the request for arrest and surrender of Mr Dela Rosa; and
- (iv) submit a progress report on the status of the execution of the request for cooperation no later than 15 days after such a request is made;

DIRECTS the Registry to prepare and transmit to any relevant State, in consultation and coordination with the Prosecution, any request for transit pursuant to article 89(3) of the Statute; or any request for provisional arrest pursuant to article 92 of the Statute if necessary for the surrender of Mr Dela Rosa to the Court; and

ORDERS the Prosecution to transmit to the Registry all information available to it that may be of assistance in the execution of the request for arrest and surrender as well as any information of relevance to assessing any risks to victims and witnesses associated with the transmission of the request for arrest and surrender.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc

Presiding Judge



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Thursday, 6 November 2025

At The Hague, The Netherlands