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The Philippines confronts Duterte's authoritarian legacy at The Hague

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IN BRIEF

As former Philippine president Rodrigo Duterte faces justice at the ICC, the Philippines confronts a broader struggle against impunity. Duterte's war on drugs exposed deep institutional failings, from judicial weaknesses to unchecked police power. While his trial represents a milestone for international law, genuine accountability requires domestic reforms. Strengthening legal institutions, professionalising law enforcement and embedding human rights protections are essential to preventing future abuses and ensuring that state violence is never again normalised.

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Former Philippine president Rodrigo Duterte's trial at the International Criminal Court (ICC) marks a watershed moment [in global justice](#). As the [first Asian leader](#) to be arrested and [detained in The Hague](#), Duterte is also the first to face trial specifically for state-initiated [mass violence](#) in the name of narcotics control.

Yet, Duterte is not an outlier in waging an expansive state-led war on drugs. Former Thai prime minister Thaksin Shinawatra's early 2000s [anti-drug campaign](#) left thousands dead. [In Colombia](#), former president Alvaro Uribe's war on 'narcoterrorism' blurred the lines between counterinsurgency and the drug war, leading to extrajudicial killings.

But unlike Duterte, neither faced international courts. Duterte's indictment signals a landmark assertion of global accountability — that even sitting or former heads of state can no longer count on impunity when weaponising state power to carry out extrajudicial killings. Duterte's case marks a precedent-setting moment that may reshape future authoritarian leaders' political calculus.

Duterte's detention at the ICC reminds us how militarised drug policy not only [fails to dismantle](#) illicit drug networks but also undermines the state's legitimacy by authorising the systematic violation of citizens' constitutional right to life and due process. By framing narcotics as an existential threat, Duterte normalised extrajudicial killings, transforming law enforcement into a machinery of fear rather than a protector of citizens'

rights and dignity.

Militarised drug enforcement deepens state–society rifts and legitimises authoritarian violence. In the Philippines, where illicit drug networks have long been interwoven with political patronage systems and the security sector, such crackdowns merely redirected violence towards the most vulnerable. Duterte's campaign **transformed state coercive agencies** into instruments of impunity and **corroded the state's legitimacy**, entrenching a culture of violence that extends beyond his presidency.

Duterte's war on drugs exemplifies how authoritarian leaders **construct security threats** — such as drug use — as existential crises to **justify emergency powers**, **suppress dissent** and expand executive control over **state institutions**. The selective application of violence targeted the urban poor, while well-connected drug syndicates remained relatively untouched. This shows that militarised crackdowns are more about political and social control than controlling narcotics. The ICC's intervention catalyses a global reckoning with **authoritarian abuse of state power**, underscoring the **limits of impunity** and reinvigorating public discourse on the necessity of **legal accountability** as a cornerstone of democratic governance.

The ICC trial is crucial but cannot resolve the Philippines' **entrenched culture of impunity** on its own. Holding a former head of state accountable in The Hague must be matched by sustained domestic efforts to rebuild rule-of-law institutions. This includes strengthening judicial independence, insulating courts from political interference and ensuring that law enforcement agencies are governed by transparent, rights-based accountability mechanisms.

Judicial reform must prioritise independence and procedural integrity. While the ICC targets top-level perpetrators, sustainable justice depends on domestic courts prosecuting mid-level commanders and street-level enforcers. **Civil society organisations** like FLAG and the Center for International Law have pursued strategic litigation but face police noncooperation, prosecutorial delays and judicial timidity.

Past mechanisms like the writ of amparo and habeas data have had limited impact due to weak enforcement and lack of institutional support. Reform must begin with insulating judicial appointments from political interference, enhancing the Judicial and Bar Council's transparency and protecting judges handling sensitive cases. An independent, empowered judiciary can credibly break the impunity cycle.

Professionalising the police and military means transforming them into competent, accountable and rights-respecting institutions grounded in public service. Reform must begin with strict recruitment standards, merit-based promotions and mandatory human rights and constitutional law training. Transparent internal affairs units, independent civilian review boards and disciplinary mechanisms are essential for investigating abuses. Embedding professionalism can insulate the security sector from politicisation and reorient it towards democratic governance.

Embedding **human rights education** into governance, law enforcement and public policy is necessary to shift institutional culture. State actors must view counter-narcotics enforcement through a rights-protection framework, not punitive violence. Public awareness campaigns should reinforce legal accountability, preventing leaders from exploiting anti-crime rhetoric to justify repression.

Duterte's trial tests international law's resolve to dismantle the impunity protecting abusive state agents in militarised narcotics governance. It challenges the flawed logic of anti-narcotics policies that prioritise **state violence** over sustainable solutions focused on socioeconomic development and public health.

Beyond The Hague, true justice requires domestic reforms that address the deep-rooted institutional weaknesses and the long-fractured Philippine social contract further eroded by Duterte's drug war. Without rebuilding democratic safeguards, ensuring judicial independence and transforming the security sector into a rights-respecting force, the cycle of impunity will endure.

Marcos Jr's shifting stance towards the ICC — from **rejecting its jurisdiction** to expressing **conditional openness**, then ultimately **enabling and justifying Duterte's arrest** — reflects blatant **political calculation** rather than a principled **commitment to justice**. His administration continues to benefit from the authoritarian legacies and patronage networks established under Marcos Sr. Without substantive institutional reforms, Duterte's prosecution risks serving as a tactical distraction rather than a **genuine break from impunity**.

Robust legal institutions, accountable security forces and comprehensive human rights education are essential for governance systems that safeguard public security and human dignity. While the ICC signals that grave abuses will not go unpunished, its reach is limited. Real justice requires domestic systems to prosecute crimes, restrain state violence and uphold the rule of law.

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