# GRASSROOTS TRANSFORMATIVE JUSTICE: A BOTTOM-UP SOCIOLEGAL APPROACH TO THE DUTERTE CASE

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**How is the ICC attempting to incorporate transformative justice through reparations in the Duterte case? How about the local communities? Have these attempts satisfied the victims and survivors' expectations?**



"Why? Why? Do they have the right to kill my son?"
-A mother's words (Interviewee A)

## 1.1 GENERAL BACKGROUND

- ***Who is Rodrigo Ro Duterte?***
  - 16th president of the Philippines (2016-2022), mayor of Davao City for three non-consecutive terms between 1988 and 2016, and the "alleged" founder and head of the Davao Death Squad (DDS).
  - Gained political popularity due to his strongman rhetoric and populist ideologies → **"God will weep if I become president".**
- ***What did he do?***
  - Initiated the "war on drugs" that utilized police brutality, which resulted in the deaths of over **12,000** Filipinos and the detainment of around **300,000** Filipinos. Most of the victims were from poor urban areas.
  - **"Please feel free to call us, the police, or do it yourself if you have the gun - you have my support. Shoot the drug dealer, and I'll give you a medal".**
- ***How did the international law respond?***
  - On 7 March 2025, the International Criminal Court (ICC) issued an arrest warrant for Duterte.
  - Charges include "being allegedly responsible for the **crimes against humanity of murder and attempted murder**".
  - On 11 March 2025, Duterte was arrested at Ninoy Aquino International Airport in Manila ← speculated that this was because of the domestic political tensions in the Philippines
  - On 23 April 2026, the Pre-Trial Chamber confirmed all charges. The trial is scheduled to proceed from 30 November 2026.

(Kenny & Holmes, 2020; Human Rights Watch, 2026; Human Rights Watch, n.d.; ICC, n.d.)

## 1.2 TRANSFORMATIVE JUSTICE

- Focus beyond repairing harm and restoring peace, but also on generating transformation to society.
- Four elements: (i) accountability/legal justice, (ii) knowledge & acknowledgment, (iii) socioeconomic justice, (iv) political justice.
- Six principles: (i)symbolic & ritual, (ii) temporal, (iii) local ownership & capacity-building, (iv) structural/institutional reforms, (v) reconciliation, (vi) holistic, integrated, and comprehensive.

(Lambourne, 2014)

## 2.1 ICC AND THE CONCEPT OF REPARATION

- The ICC uses 4 types of reparations: **restitution, compensation, rehabilitation, and symbolic measures.**
- In Article 75 of the Rome Statute, reparation to victims is established as **principles on ordering and the scope of reparation**s.
  - Reparations can be given either to individuals or as a collective; often, collective reparations are preferred due to the large scale of victimization. The court may order directly against a convicted person or through a Trust Fund (as outlined in Article 79).
  - The reparations offered by the ICC strive to fit into the local cultural and customary practices with the ultimate goal of the victims finding it meaningful. They hope to help support programs that are self-sustaining to most benefit the victims over a longer period of time.
- The first instance of the ICC implementing reparation policy is in **The Prosecutor v. Germain Katanga** (2017). After Mr. Katanga was convicted, the court awarded reparations to remedy, to the greatest extent possible, the harm the victims suffered as a consequence of the crimes.
  - Some examples of the reparation given are: **a symbolic monetary amount of 250 USD, collective help for support for housing, support for an income-generating activity, support for education and psychological support**.
- In total, **8** ICC cases have reparations proceedings, with **22** total reparations decisions.

(ICC, 2021; Sulzer, 2026)

## 2.2 DOMESTIC LAW & COURT CASES

- Since the Marcos's regime, the Philippines has had the death penalty law revised repeatedly; death sentences became common and judicial executions rare. Yet, extrajudicial killings occurred frequently.
- Promise to protect police from legal accountability; thus, very few domestic cases and little to no justice for the victims.
  - Only **9** police officers have been convicted across only **5** domestic cases since 2016.
- The most famous case, and the one that caused the whole country's uproar, was the case of the killing of 17-year-old Kian Delos Santos in 2017
  - 3 police officers were sentenced to up to 40 years in prison each ← but is this enough for reparation?

(Johnson & Ferquest, 2018; Johnson, 2018; Wenifredo & Cawi, 2019)

## 3.1 TESTIMONIALS OF VICTIMS & SURVIVORS

The semi-structured interviews below were conducted by Ortilla (2026) between March, 2026 and July, 2026 in the Philippines to gain a better understanding of victim-centered transformative justice and reparations. Written informed consent was obtained from all participants prior to their inclusion in the study (Interviewee A (female); Interviewee B (female), Testimony Provider (gender unknown; in Ortilla 2026, March 26)

Below are the four salient themes that emerged from the interviews:

- **Humanizing Victim**

The victims of the extrajudicial killings were individuals who had relationships, families, responsibilities, as well as personal flaws and aspirations, just like the rest of us.
  - A man, 32, worked as a welder, had a girlfriend whom he planned to have a child with, and travelled to Tondo, Manila, to visit his sister (Interviewee A)
  - A teenager, 17, travelled to Baguio City to participate in a gaming tournament. He wanted to be a professional gamer to support his family financially (Interviewee B)
  - Girl, 9, killed during the 'War on Drugs' (Ortilla 2026, March 26).
- **Victim-Blaming, Misinformation, and Stigma**
  - The victims are labeled as drug addicts and criminals.
  - Victim-blaming is prevalent: Derogatory terms are used; for example, drug users are referred to as "monsters" and "deserving the fate that befell them."
  - Social media, such as Facebook and TikTok, is used to spread misinformation about what happened to their sons.
  - Stigma also reinforces the idea that victims deserved the violence.
  - Mothers of victims are harassed online and in person, putting their safety at risk (Interviewee A & B).
- **Institutional Impunity**
  - A son was shot by hitmen 'in tandem.' This case did not have a follow-up investigation (Interviewee A).
  - The police provide hypotheses and vague answers: "Mrs., maybe your son was involved in a love triangle" (Interviewee A).
  - In many of the cases, the mothers' pleas went unanswered by the Supreme Court (Interviewee B; Ortilla 2026, March 26).
  - Many of the death certificates are misrepresented (e.g. "natural causes" instead of "killed due to gunshot").
  - The police showed little compassion or support.
- **Psychosocial Impact on the Grieving Mothers and the Community**
  - Mothers experience grief and psychological trauma (i.e., Post-traumatic stress disorder) after the deaths of their children (Interviewee A; Interviewee B; Ortilla 2026, March 26).
  - A mother described the toll of her loss this way: "Every night during the wake, I was losing my mind (Interviewee A)."
  - Mothers are emotionally drained after they learn about the circumstances surrounding their kids' deaths, including shootings and disappearences (Interviewee A & B; respectively).
  - The deaths affect not only grieving mothers but also the wider community, causing lasting emotional trauma, fear, and disruption.

(Simangan, 2018; Wenifredo & Cawi, 2019; Gallagher & Maulana, 2020; Lamchek & Jopson, 2024; Tremlett, 2024; Ortilla 2025 a)

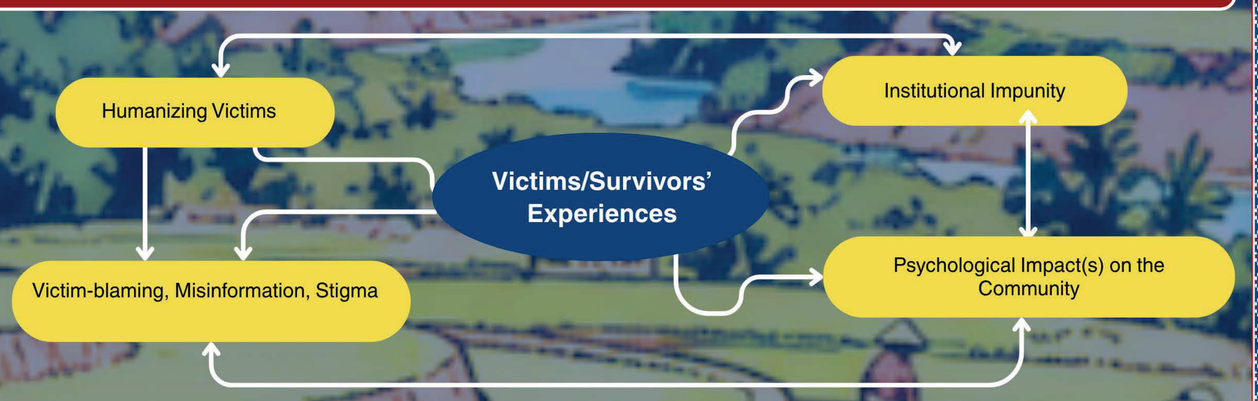



**Figure 1. Victim-Centered Perspective on the Account of Transformative Justice in the Philippines**

## 3.2 LOCAL COMMUNITIES' EFFORTS

As the case on Duterte proceeds, many local communities, including grassroots organizations, have held seminars, dialogue sessions, and events to spread awareness of the case. Three main goals were identified during the interviews (*see note 1*).

- **Grassroots Action & Safe Spaces**
  - Church & Civil Society: Faith-based groups and NGOs stepped in with legal aid, mental care, and safe
  - A local faith-based leader (church-led program): Offers sanctuary, dignified burials, and exhumation assistance, connects traumatized families directly to international platforms like the ICC, and "transforming places of fear into sanctuaries of hope and dignity."
- **Local Impact & Social Stigma**
  - Targeted Neighborhoods: The "War on Drugs" hit poor urban areas hardest, devastating families economically and socially.
  - Disinformation: Pro-government narratives labeled victims as criminals, isolating affected families through fear and stigma.
- **Bridging the Legal Gap**
  - Demystifying Law: Grassroots groups translate complex ICC procedures into simple, accessible language for locals.
  - Empowerment: Educating survivors on their rights turns passive victims into active agents for justice.

(Gready & Robins, 2014; Amnesty International, 2017; Ong & Cabañes, 2018; Ramon Magsaysay Award Foundation, n.d.)

## 4. CONCLUSION

Official government bodies and the ICC have their own idea of reparations and justice for the victims, with the aim of aiding them as much as possible. However, it becomes clear that victims of Duterte's War on Drugs need more than just standard reparations. Through discussion with grassroots organizations and families of victims, it is evident that a combination of dehumanization, victim-blaming, misinformation, institutional impunity, and stigma need to be addressed in order to create meaningful change for these communities. These organizations are providing safe places for grieving, making events to allow people to watch the ICC case and demystify the law, and challenging misinformation. The ultimate goal of the Duterte case is not whether Duterte is guilty under the ICC, but how to address the harm that has fallen upon these communities regardless of his sentencing.

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