

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/21-01/25**

Date: **24 April 2025**

**PRE-TRIAL CHAMBER I**

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

**SITUATION IN THE REPUBLIC OF THE PHILIPPINES  
IN THE CASE OF THE PROSECUTOR v. RODRIGO ROA DUTERTE**

**Confidential**

**Request for authorisation to file submissions**

**I. Person(s)/organisation(s) submitting the request**

1. Prof. Morris Kiwinda Mbondenye, LLD, M.B.S. is a Kenya-based human rights scholar and Advocate of the High Court of Kenya with a longstanding experience in matters concerning international justice, including the humane treatment of accused persons in detention. Mr. Daniel Schmidt, Mag. iur. is a legal professional focusing on human rights and international standards.

**II. Purpose of Request/Legal Basis**

2. The proposed observations would focus on: The age and health of Mr. Duterte (born 1945), currently detained; the potential health risks associated with prolonged incarceration of elderly individuals, especially in high-security facilities; the relevance of international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules); the feasibility of alternative custodial arrangements, such as supervised house arrest with electronic monitoring, to uphold judicial integrity while ensuring humane treatment.

**III. Classification**

3. The Applicants agree to the request being reclassified as public.

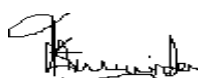
**IV. Arguments in support of the request**

4. These observations aim to assist the Chamber by providing a neutral legal analysis grounded in humanitarian and international legal standards; contributing a perspective that balances individual dignity and the interests of justice; offering comparative practices from other international tribunals that have considered detention modifications for elderly accused detainees; proposing practical alternatives that balance the interests of justice with the rights and dignity of the accused.

The observations consist of 10 pages. They substantially explain the findings of an extensive research into international criminal justice, ICC jurisprudence, and the specific circumstances surrounding Mr. Duterte's case. Furthermore, the legal framework explains why the detention is neither necessary nor proportionate and that the conditional release with safeguards aligns with ICC precedent and the Statute's balanced approach to justice. It is also substantially explained that procedural fairness and human rights favor conditional release, that the unique domestic context of the Philippines supports pragmatic release. The proposed conditions for release and the conclusion are mentioned as well.

**V. Relief sought**

5. The Applicants respectfully submit that Pre-Trial Chamber I should grant Mr. Duterte conditional interim release.



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Signature

Prof. Morris Kiwinda Mbondenyi, LLD, M.B.S

Dated this Thursday, 24 April 2025

At Nairobi, Kenya