Questions and Answers on Venezuela's Withdrawal from the Rome Statute

Can a State Party withdraw from the ICC?

Yes, a State Party can withdraw from the International Criminal Court ("The ICC" or "The Court"). Withdrawing from the ICC is a sovereign decision by States, subject to the provisions of Article 127 of the Rome Statute, which is the Court's founding treaty.

While the decision to join or withdraw from an international treaty is a sovereign right of States under international law, the ICC regrets any decision to depart from the collective effort to end impunity for the most serious international crimes.

What are the effects of the withdrawal notification? Does the State cease to be a party to the ICC immediately after the notification of withdrawal?

On 24 July 2026, the Bolivarian Republic of Venezuela notified its decision to withdraw from the Rome Statute, the founding document of the ICC. A withdrawal from the Rome Statute takes effect one year after the notification of withdrawal is presented before the Secretary General of the United Nations.

A State that notifies its withdrawal shall remain fully bound by the Rome Statute as a State Party until the date on which the withdrawal takes effect. In other words, it will remain a party to the ICC for a period of one year after the notification. Furthermore, in accordance with the provisions of article 127 of the Rome Statute, even after the withdrawal takes effect, the withdrawing State remains bound by obligations that arose whilst it was a State Party to the ICC.

Does Venezuela's withdrawal affect the investigation on the Situation in Venezuela I?

No. The withdrawal does not affect the investigation on the Situation in Venezuela I, which is still ongoing.

According to article 127 of the Rome Statute, a withdrawal does not prejudice the continued consideration of any investigation or proceedings already under consideration by the Court prior to the date on which the withdrawal takes effect. In the same vein, a withdrawal shall not affect any pre-existing cooperation obligations arising from criminal investigations or proceedings before the Court.

Does the ICC have jurisdiction to investigate international crimes committed in Venezuela after the withdrawal?

International crimes that may have occurred whilst the State was a party to the Rome Statute, and which were committed on the territory of that State or by its nationals, remain within the jurisdiction of the ICC. Therefore, the ICC retains its jurisdiction to investigate and prosecute those who may be responsible for such crimes in the future, even after the State's withdrawal.

How is the work of the ICC progressing after the notification of Venezuela's withdrawal?

The ICC's work related to Venezuela continues to progress. The Office of the Prosecutor's investigation into crimes against humanity allegedly committed in Venezuela since 2014 has not been halted. It is important to emphasise the confidential nature of this process, which is essential to preserve the integrity of the proceedings.

Furthermore, the Court acts under the principle of complementarity and does not replace national courts, which have the primary responsibility for investigating and prosecuting those responsible for international crimes.