



Original: English

No. ICC- ICC-02/18 OA

Date: 21 July 2023

THE APPEALS CHAMBER

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA I

Public document

**Decision on the OPCV's "Request to appear before the Appeals Chamber
pursuant to regulation 81(4) of the Regulations of the Court"**

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Karim A. A. Khan, Prosecutor

Ms Alice Zago

The Office of Public Counsel for Victims

Ms Paolina Massidda

Mr Enrique Carnero Rojo

States Representatives

Competent authorities of the Bolivarian

Republic of Venezuela

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

The Appeals Chamber of the International Criminal Court,

In the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I's "Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute" of 27 June 2023 (ICC-02/18-45),

Having before it the "Request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court" filed by the Office of Public Counsel for Victims on 7 July 2023 (ICC-02/18-47),

Renders the following

DECISION

The Office of Public Counsel for Victims may submit written observations, not exceeding 40 pages, on the Bolivarian Republic of Venezuela's appeal brief in relation to the general interests of victims, within 21 days of notification of the appeal brief.

REASONS

I. PROCEDURAL HISTORY

1. On 27 June 2023, Pre-Trial Chamber I rendered its decision authorising the Prosecutor to resume the investigation into the situation in the Bolivarian Republic of Venezuela (hereinafter: "Venezuela"), pursuant to article 18(2) of the Statute (hereinafter: "Article 18(2) Decision").¹

2. On 3 July 2023, Venezuela submitted its notice of appeal against the Article 18(2) Decision.²

¹ [Decision authorising the resumption of the investigation pursuant to article 18\(2\) of the Statute](#), ICC-02/18-45.

² The Bolivarian Republic of Venezuela's Notice of Appeal against Pre-Trial Chamber I's "Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute" (ICC-02/18-45) and request for suspensive effect, 14 July 2023, ICC-02/18-46-AnxII-Red (confidential *ex parte* version dated 2 July 2023 was registered on 3 July 2023).

3. On 7 July 2023, the Office of Public Counsel for Victims (hereinafter: “OPCV”) filed a request to appear before the Appeals Chamber (hereinafter: “OPCV Request”).³

4. On 12 July 2023, the Appeals Chamber granted Venezuela’s application of 10 July 2023,⁴ and extended the time limit for the filing of the appeal brief until 14 August 2023.⁵

II. MERITS

5. Pursuant to regulation 81(4) of the Regulations of the Court (hereinafter: “Regulations”), the OPCV requests to be allowed to appear before the Appeals Chamber to represent the general interests of victims in relation to the appeal of Venezuela against the Article 18(2) Decision and, in particular, to submit written observations.⁶ The OPCV submits that a reversal of the Article 18(2) Decision on appeal could result in halting the Prosecutor’s investigation, which would in turn jeopardise the rights of victims to truth, justice, and reparations.⁷ In the view of the OPCV, as victims have presented their observations regarding the resumption of the investigation in the present situation, it is appropriate to authorise them to present their views and concerns on the appeal that has arisen directly from these proceedings.⁸

6. The Appeals Chamber recalls that regulation 81(4)(e) of the Regulations provides that the OPCV may represent victims throughout the proceedings, on the instruction or with the leave of the Chamber. It also notes that victims have presented their views and concerns on the Prosecutor’s request to resume the investigation in the proceedings leading to the Article 18(2) Decision.⁹

³ Request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court, ICC-02/18-47.

⁴ The Bolivarian Republic of Venezuela’s Application for Extension of Time to File the Appeal Brief, ICC-02/18-49-Conf-Exp-AnxII (dated 7 July 2023, registered on 10 July 2023).

⁵ Decision on the Bolivarian Republic of Venezuela’s application for extension of time to file the appeal brief, ICC-02/18-52, p. 3.

⁶ OPCV Request, paras 1, 27.

⁷ OPCV Request, paras 2, 21.

⁸ OPCV Request, paras 3, 19.

⁹ See Pre-Trial Chamber I, [Order inviting observations and views and concerns of victims](#), 18 November 2022, ICC-02/18-21, para. 11; Registry, [Final Consolidated Registry Report on Article 18\(2\) Victims’ Views and Concerns Pursuant to Pre-Trial Chamber’s Order ICC-02/18-21](#), 22 June 2023, ICC-02/18-40-Red-Corr, with confidential (*ex parte*) annexes.

7. In the instant situation, the Appeals Chamber considers it appropriate for the OPCV to submit written observations regarding the general interests of victims, following Venezuela's submission of the appeal brief. Therefore, the OPCV is invited to file written observations not exceeding 40 pages, within 21 days of notification of the appeal brief.

Done in both English and French, the English version being authoritative.



Judge Marc Perrin de Brichambaut

Presiding

Dated this 21st day of July 2023

At The Hague, The Netherlands