



Original: English

No.: ICC-02/18

Date: 17 October 2023

THE APPEALS CHAMBER

Before: Judge Marc Perrin de Brichambaut, Presiding Judge
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

**With Confidential *EX PARTE* Registry only and Public Redacted Annex I, and
Confidential *EX PARTE* Annexes II and III only available to the Registry**

**Registry Report on Victims' Views and Concerns Pursuant to Appeals
Chamber Decision ICC-02/18-60**

Source: Registry

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

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**Victims Participation and Reparations
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I. Introduction

1. Pursuant to the Appeals Chamber's "Decision on requests for victims' involvement" of 24 August 2023 ("Chamber" and "Decision", respectively),¹ the Registry submits its report on victims' views and concerns received in the present appeals proceedings (Annex I), together with its assessment of the victims' submissions (Annex II) and a detailed explanation of the assessment criteria applied (Annex III).

II. Procedural History

2. On 1 November 2022, the Office of the Prosecutor ("OTP") of the International Criminal Court ("ICC" or "Court") submitted a request under article 18(2) of the Rome Statute ("Statute") for authorization to resume the investigation into the Situation in the Bolivarian Republic of Venezuela I ("Situation", "Venezuela" and "OTP Request" respectively).²
3. On 27 June 2023, the Pre-Trial Chamber issued its decision on the OTP Request, authorising the resumption of the investigation ("Article 18(2) Decision").³ In reaching this decision, the Judges considered, *inter alia*, the views and concerns of approximately 8,900 victims, 630 families and 2 organizations,⁴ who all supported the resumption of the investigation by the Prosecutor.

¹ Appeals Chamber, "Decision on requests for victims' involvement", 24 August 2023, ICC-02/18-60.

² Office of the Prosecutor, "Prosecution request to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18(2)", dated 1 November 2022 and notified on 4 November 2022, ICC-02/18-18.

³ Pre-Trial Chamber I, "Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute", 27 June 2023, ICC-02/18-45.

⁴ See Registry, "Final Consolidated Registry Report on Article 18(2) Victims' Views and Concerns Pursuant to Pre-Trial Chamber's Order ICC-02/18-21", 20 April 2023, ICC-02/18-40-AnxI-Red.

4. On 3 July 2023, Venezuela submitted its notice of appeal against the Article 18(2) Decision.⁵
5. On 7 July 2023, the Office of Public Counsel for Victims (“OPCV”) filed a request to appear before the Chamber in order to represent the general interests of victims.⁶
6. On 21 July 2023, the Chamber authorised the OPCV to submit written observations regarding the general interests of victims.⁷
7. On 27 July,⁸ 2⁹ and 3 August 2023,¹⁰ respectively, three requests to present victims’ views and concerns on Venezuela’s appeal were submitted.
8. On 21 August 2023, Venezuela filed its appeal brief.¹¹
9. On 24 August 2023, the Chamber issued the Decision by which it instructed the Victims Participation and Reparations Section (“VPRS”) to collect and transmit to the Appeals Chamber representations from any interested victim

⁵ See reference made by the Appeals Chamber in “Decision on requests for victims’ involvement”, 24 August 2023, ICC-02/18-60, para. 6 and fn. 6 to the Government of Venezuela, “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 and notified on 3 July 2023).

⁶ OPCV, “Request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court”, 7 July 2023, ICC-02/18-47.

⁷ Appeals Chamber, “Decision on the OPCV’s ‘Request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court’”, 21 July 2023, ICC-02/18-54.

⁸ Other, “Application to present victims’ views and concerns 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’”, dated 27 July 2023 and notified on 28 July 2023, ICC-02/18-55-Red.

⁹ Registry, “Registry Transmission of an ‘Application to present victims’ views and concerns in the appeal of the Bolivarian Republic of Venezuela against the Pre-Trial Chamber I’s ‘Authorisation pursuant to article 18(2) of the Statute to resume the investigation’”, dated 1 August 2023 and notified on 2 August 2023, ICC-02/18-56.

¹⁰ Registry, “Registry Transmission of a ‘Request to Present Opinions and Observations of Victims in the Appeal of the Bolivarian Republic of Venezuela against the ‘Decision of Pre-Trial Chamber I Authorizing the Resumption of the Investigation Pursuant to Article 18(2) of the Statute’”, dated 3 August 2023, ICC-02/18-57.

¹¹ Registry, “Transmission of ‘The Bolivarian Republic of Venezuela’s Appeals Brief against the Pre-Trial I’s ‘Decision authorizing the resumption of the investigation pursuant to article 18(2) of the Statute’ (ICC-02/18-45)”, 14 August 2023, ICC-02/18-59-Conf-Exp. A public redacted version of Annex II dated 21 August 2023 was registered on 22 August 2023, ICC-02/18-59-AnxII-Red.

and victims group and prepare and submit a report thereon by Tuesday, 17 October 2023.

10. On 13 September 2023, the OPCV submitted its observations on behalf of victims.¹²
11. On 17 October 2023, the Registry is transmitting to the Chamber, alongside the present report, 172 victims' views and concerns received in the context of the present appeal proceedings.

III. Classification

12. Pursuant to regulation 23*bis*(1) of the Regulations of the Court ("RoC"), the annexes to the present filing are classified as "confidential *ex parte*, only available to the Registry", because they contain sensitive information about the Registry's *modus operandi* and information that could lead to the identification of victims, victim representatives and other interlocutors. A public redacted version of Annex I is filed concomitantly.

IV. Applicable Law

13. The Registry submits this report in the context of the present proceedings under Article 18(2) of the Statute and in accordance with article 68(3) of the Statute, rules 16(1) and 85 of the Rules, regulation 23*bis*(1) of the RoC, regulation 102 of the Regulations of the Registry, and pursuant to the Decision.

¹² OPCV, "Observations on behalf of victims on the Venezuela Government Appeal against the Decision authorising the resumption of the investigation", 13 September 2023, ICC-02/18-61.

V. Submission

14. The Registry hereby transmits for the Chamber's consideration its report on victims' views and concerns received in the present appeal proceedings (Annex I), its assessment of the victims' submissions (Annex II) and a detailed explanation of the assessment criteria applied (Annex III).



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 17 October 2023

At The Hague, The Netherlands