

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/18**
Date: **23 July 2021**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Presiding
Judge Reine Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA I

Public

**Prosecution request for reclassification of filings ICC-02/18-10-Conf-Exp and
ICC-02/18-12-Conf**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

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Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

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Prosecution request for reclassification

1. On 15 June 2021, the Prosecution filed observations following the Pre-Trial Chamber's decision¹ rejecting the Bolivarian Republic of Venezuela's request² for the Chamber to exercise judicial control over the preliminary examination in the *Situation in the Bolivarian Republic of Venezuela I* ("Observations").³
2. On 22 June 2021, the Prosecution filed a request for the Chamber to set a timetable for the filing of public redacted versions by Venezuela and the Prosecution of their respective filings in the litigation ("Timetable Request").⁴
3. The Prosecution filed its Observations and Timetable Request confidentially as they referred to the contents of Venezuela's Request and the Decision, both of which were classified as confidential at that time.
4. On 2 July 2021, the Chamber issued a public order setting a timetable for Venezuela and the Prosecution to file public redacted versions of their respective filings in the litigation ("Order").⁵ In its Order, the Chamber made public aspects of the litigation regarding Venezuela's Request that, in its view, need not be treated as confidential.⁶ The Chamber also specifically made public the salient details of the Timetable Request.⁷
5. On 13 July 2021, the Prosecution was notified of the filing of a public redacted version of Venezuela's Request.⁸
6. Since the filing of the public redacted version of Venezuela's Request, and in light of the Chamber's public disclosure of aspects of the litigation in its Order, there is no

¹ ICC-02/18-9-Conf ("Decision").

² ICC-02/18-6-Conf-AnxIV ("Request" or "Venezuela's Request").

³ ICC-02/18-10-Conf-Exp and ICC-02/18-10-Conf-Red. The Prosecution filed two versions of the Observations with different confidentiality classifications.

⁴ ICC-02/18-12-Conf.

⁵ ICC-02/18-13.

⁶ Order, paras. 5-13, 15, 17, 21-23.

⁷ Order, para. 17.

⁸ ICC-02/18-14-AnxIII.

longer a basis for maintaining the confidentiality of the Observations and Timetable Request *vis-à-vis* the public.

7. Moreover, with respect to the *ex parte* version of the Observations, the Prosecution notes that the redactions initially applied (relating to the conclusions on admissibility) may be lifted, in light of the Chamber's express findings and the principle of publicity of proceedings.⁹ The Prosecutor intends to keep the assessment under review. Further, as the Chamber has also stated,¹⁰ the Prosecutor wishes to continue with a meaningful dialogue with Venezuela and to maintain and deepen cooperation.

8. The Prosecution therefore requests the Chamber to reclassify the Observations (*ex parte* version) and Timetable Request to public. Once reclassified, the public unredacted version of the Observations may replace the confidential redacted version on the record, to avoid duplicating the same filing.



Karim A. A. Khan QC, Prosecutor

Dated this 23rd day of July 2021

At The Hague, The Netherlands

⁹ Order, paras. 18-23.

¹⁰ Order, para. 23.