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**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 Redacted Version of ‘Decision on the “Request for judicial control submitted to the Pre-Trial Chamber I of the International Criminal Court by the Bolivarian Republic of Venezuela pursuant to Articles 15 and 21.3 of the Statute and Rule 46.2 of the Rules 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**

Fatou Bensouda  
James Stewart

**Counsel for the Defence**

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the Defence**

**States Representatives**

Competent authorities of the Bolivarian  
Republic of Venezuela

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**PRE TRIAL CHAMBER I** (the ‘Chamber’) of the International Criminal Court (the ‘Court’), in the Situation in the Bolivarian Republic of Venezuela I, having regard to articles 13(1), 14, 15, 18, 21 (3) and 93 (10) of the Rome Statute (the ‘Statute’) and regulation 46(2) of the Regulations of the Court issues the following decision.

## **I. PROCEDURAL HISTORY**

1. On 24 September 2018, the Office of the Prosecutor (the “Prosecution”) received from a group of States Parties to the Statute a referral under article 14 regarding the situation in the Bolivarian Republic of Venezuela (the ‘Situation’).<sup>1</sup>

2. On 28 September 2018, the Presidency of the Court assigned the Situation to the Chamber.<sup>2</sup> On 19 February 2020, the Presidency reassigned the Situation from the Chamber to Pre-Trial Chamber III.<sup>3</sup> On 16 March 2021, the Presidency reassigned the Situation from Pre-Trial Chamber III to the Chamber.<sup>4</sup>

3. On December 2020, the Prosecution issued its Report on Preliminary Examination Activities indicating that:

‘[t]he Office anticipates concluding the preliminary examination in order to determine whether there is a reasonable basis to proceed during the first half of 2021’.<sup>5</sup>

4. On 28 May 2021, the Bolivarian Republic of Venezuela (‘Venezuela’) filed a ‘Request for judicial control submitted to the Pre-Trial Chamber I of the International Criminal Court by the Bolivarian Republic of Venezuela pursuant to Articles 15 and 21.3 of the Statute and Rule 46.2 of the Rules of the regulations of the Court’

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<sup>1</sup> Annex I to the Decision assigning the situation in the Bolivarian Republic of Venezuela to Pre-Trial Chamber I, 28 September 2018, ICC-02/18-1-AnxI 28-09-2018.

<sup>2</sup> ‘Decision assigning the situation in the Bolivarian Republic of Venezuela to Pre-Trial Chamber I’, 28 September 2018, [ICC-02/18-1](#), page 3.

<sup>3</sup> ‘Decision assigning the Situation in the Bolivarian Republic of Venezuela II and reassigning the Situation in the Bolivarian Republic of Venezuela I to Pre-Trial Chamber III’, 19 February 2020, [ICC-02/18-2](#), page 4.

<sup>4</sup> ‘Decision assigning judges to divisions and recomposing Chambers’, 16 March 2021, [ICC-02/18-4](#), pages 6-7. Previously, the Situation had been assigned to Pre-Trial Chamber III and before that to Pre-Trial Chamber I.

<sup>5</sup> [Report on Preliminary Examination Activities 2020](#), 14 December 2020, para. 214.

(‘Venezuela’s Request’)<sup>6</sup> submitting that in the course of the Preliminary Examination, legal controversies and questions have arisen with the Prosecution which require a ruling by the Chamber.<sup>7</sup> In essence, Venezuela advances a series of interrelated arguments labelled under three chapters:

- a. whether the Prosecution has sufficiently engaged in a ‘constructive dialogue’ with Venezuela at the Preliminary Examination phase, pursuant to the principle of complementarity;<sup>8</sup>
- b. whether Venezuela must be granted access to information in the possession of the Prosecution, in order to guarantee the right of defence, the principle of contradiction and the control of evidence;<sup>9</sup>
- c. whether the Prosecution can examine and/or rely upon materials that were allegedly illegally obtained or are ‘partial, in bad faith or without any evidentiary rigour’.<sup>10</sup>

5. On 31 May 2021, the Prosecution filed a request in relation to its response to Venezuela’s Request (the ‘Prosecution’s Request’).<sup>11</sup> The Prosecution submits that Venezuela’s Request should be dismissed *in limine*.<sup>12</sup> In the event the Chamber does not dismiss it *in limine*, the Prosecution requests leave to file a response of maximum 60 pages.<sup>13</sup> Moreover, the Prosecution requests the Chamber to reclassify Venezuela’s Request and its annexes as public or ask Venezuela to file public redacted versions.<sup>14</sup> Finally, the Prosecution submits that it was preparing to imminently announce the conclusion of the preliminary examination of the Situation and that reaching determinations on situations under preliminary examination falls within the scope of

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<sup>6</sup> ‘Transmission of Documents Received from the Authorities of the Bolivarian Republic of Venezuela’, 28 May 2021, [ICC-02/18-6-Conf](#). The documents contain [REDACTED], [REDACTED], [REDACTED] and the ‘Request for judicial control submitted to the Pre-Trial Chamber I of the International Criminal Court by the Bolivarian Republic of Venezuela pursuant to Articles 15 and 21.3 of the Statute and Rule 46.2 of the Rules of the Regulations of the Court’ (Annex IV) with further annexes [REDACTED].

<sup>7</sup> Request, [ICC-02/18-6-Conf-AnxIV](#), page 3.

<sup>8</sup> *Idem*, page 4, paras 14-105.

<sup>9</sup> *Idem*, paras 106-196.

<sup>10</sup> *Idem*, page 4, paras 197-461.

<sup>11</sup> ‘Prosecution’s omnibus request in relation to its response to the request by the Bolivarian Republic of Venezuela’, 31 May 2021, [ICC-02/18-7-Conf](#).

<sup>12</sup> Prosecution’s Request, [ICC-02/18-7-Conf](#), paras 2, 8.

<sup>13</sup> *Idem*, paras 9-11.

<sup>14</sup> *Idem*, paras 12-16.

her independent action. Nonetheless, it submits that it will not announce such a determination prior to the Chamber's consideration of Venezuela's Request.<sup>15</sup>

6. On 10 June 2021, Venezuela filed a Response to the Prosecution's Request ('Venezuela's Response').<sup>16</sup> Venezuela indicates that its decision to seize the Chamber was taken as a measure of very last resort,<sup>17</sup> as the Prosecutions has not responded to any of its initiatives, reports and requests for information or guidance contrary to the principle of complementarity.<sup>18</sup> It submits that, therefore, Venezuela's Request should not be dismissed *in limine*.<sup>19</sup> Venezuela underlines that the issues addressed in its requests shall not be decided upon with undue urgency and requests the Chamber to convene a Status Conference.<sup>20</sup> Finally, Venezuela indicates that it will submit a redacted version of its Request and its annexes.<sup>21</sup>

## II. CONFIDENTIALITY

7. The Chamber notes that Venezuela's Request and annexes, the Prosecution's Request and Venezuela's Response and annexes are classified as 'confidential'. The Prosecution requests the Chamber, pursuant to regulation 23bis(3) of the Regulations of the Court, that Venezuela's Request and its annexes be reclassified as 'public' or, in the alternative, that the Chamber orders Venezuela to file public redacted versions.

8. The Chamber disagrees with the Prosecution that ordering the reclassification of Venezuela's Request and annexes as public is a viable option in the circumstances. As Venezuela has properly identified, there may be highly sensitive information which may need to remain protected.<sup>22</sup> Venezuela has helpfully indicated its availability to file public redacted versions.<sup>23</sup> Venezuela is invited to do so as soon as practicable. The Prosecution is directed to file a public redacted version of its Request expunging

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<sup>15</sup> Prosecution's Request, [ICC-02/18-7-Conf](#), para. 17.

<sup>16</sup> 'Response to the Prosecution's omnibus request in relation to its response to the request by the Bolivarian Republic of Venezuela and request for status conference', 10 June 2021, [ICC-02/18-8-Conf-AnxIII](#). The Response was transmitted by the Registry, pursuant to the 'Transmission of Documents Received from the Authorities of the Bolivarian Republic of Venezuela on 8 June 2021', 10 June 2021, [ICC-02/18-8-Conf](#). The Registry transmitted [REDACTED] and [REDACTED]. [REDACTED].

<sup>17</sup> Venezuela's Response, [ICC-02/18-8-Conf-AnxIII](#), para. 7.

<sup>18</sup> *Idem*, paras 9-10.

<sup>19</sup> *Idem*, para. 15.

<sup>20</sup> *Idem*, paras 17-19.

<sup>21</sup> *Idem*, paras 20-22.

<sup>22</sup> *Idem*, para. 22.

<sup>23</sup> *Idem*, paras 20-22.

information, as the case may be, in view of any redactions implemented by Venezuela to its documents.

### III. ANALYSIS

9. The matter to be addressed in the present decision concerns the Chamber's powers to exercise judicial control over the Prosecutor's conduct of the preliminary examination in the situation of Venezuela. As legal basis for its request, Venezuela cites regulation 46(2) of the Regulations of the Court (the 'Regulations') and Articles 15 and 21(3) of the Statute.<sup>24</sup> The Chamber will analyse whether these provisions confer upon the Chamber the judicial oversight powers asserted by Venezuela.

10. Venezuela underlines that its request for judicial review is 'submitted under [Regulation] 46.2'.<sup>25</sup> Regulation 46(2) of the Regulations provides as follows: *'The Presidency shall assign a situation to a Pre-Trial Chamber as soon as the Prosecutor has informed the Presidency in accordance with regulation 45. The Pre-Trial Chamber shall be responsible for any matter, request or information arising out of the situation assigned to it, save that, at the request of a Presiding Judge of a Pre-Trial Chamber, the President of the Pre-Trial Division may decide to assign a matter, request or information arising out of that situation to another Pre-Trial Chamber in the interests of the administration of justice'*. The Chamber is of the view that this an administrative provision, merely meant to set out the procedure towards the assignment of a matter, request or information arising out of a situation already before a Pre-Trial Chamber to *another* Pre-Trial Chamber, when such a course is in the interests of the administration of justice. This means that no substantive rights can be deduced from this regulation.<sup>26</sup> Accordingly, that the Pre-Trial Chamber shall be responsible for any matter, request or information arising out of the situation assigned to it simply means that, when

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<sup>24</sup> Venezuela's Request, [ICC-02/18-6-Conf-AnxIV](#), pages 3-4 and para. 13; Venezuela's Response, [ICC-02/18-8-Conf-AnxIII](#), para. 4. The Chamber notes that Venezuela refers to 'Article 46.2 of the ICCPR'. In the title of its filing, Venezuela refers to 'Rule 46.2 of the Rules of the regulations of the Court'. These are merely typographic errors, Venezuela quotes the text of Regulation 46(2) of the Regulations and the Chamber understands that this is the proposed legal basis of its request; see Venezuela's Request, [ICC-02/18-6-Conf-AnxIV](#), page 3.

<sup>25</sup> Venezuela's Request, [ICC-02/18-6-Conf-AnxIV](#), page 4 and para. 13.

<sup>26</sup> See for a similar reasoning 'Decision on the "Request for review of the Prosecutor's decision of 23 April 2014 not to open a Preliminary Examination concerning alleged crimes committed in the Arab Republic of Egypt, and the Registrar's Decision of 25 April 2014"', 12 September 2014, [ICC-RoC46\(3\)-01/14-3](#), para. 5.

addressing any such matters, the Chamber shall act in accordance with the applicable law, which is set out in Article 21 of the Statute.

11. According to Article 21(1)(a) of the Statute, the Court shall apply in the first place the Statute, the Elements of Crimes and the Rules of Procedure and Evidence. Nothing in these legal instruments provides the Chamber the power to exercise Judicial Control over the Prosecution's preliminary examination in the manner sought by Venezuela. Such a power cannot be derived from Article 15 of the Statute, a provision, as noted above, invoked by Venezuela as legal basis for its request. Indeed, the Situation has been assigned to the Chamber pursuant to Regulation 46(2) of the Regulations as a result of the Prosecution's information that it had received a referral from States Parties under Article 14 of the Statute.<sup>27</sup> The Prosecution has not indicated its intention to submit a request for authorization of an investigation under Article 15(3) of the Statute, as a result of investigations conducted *proprio motu* on the basis of information on crimes within the jurisdiction of the Court (Article 15(1)).<sup>28</sup> Hence, Article 15 cannot be a proper legal basis of the present request for judicial control.

12. More importantly, however, the Appeals Chamber has analysed in the context of Article 15 proceedings whether Pre-Trial Chambers have the power to consider the question of admissibility of potential cases when deciding on a request for authorisation of an investigation under Article 15(3) of the Statute.<sup>29</sup> The Appeals Chamber indicated that the Prosecution is not obliged to notify States of its intention to seek authorisation for an investigation.<sup>30</sup> The participation of States is not provided for in the applicable procedural framework even though they could submit information challenging the position that the cases would be admissible.<sup>31</sup> The Appeals Chamber did not construe such an obligation from the requirement that the interpretation and application of the Statute must be consistent with internationally recognized human rights (Article

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<sup>27</sup> 'Decision assigning the situation in the Bolivarian Republic of Venezuela to Pre-Trial Chamber I', 28 September 2018, [ICC-02/18-1 28-09-2018](#), page 3.

<sup>28</sup> [Report on Preliminary Examination Activities](#) 2020, 14 December 2020, paras 198-214.

<sup>29</sup> 'Judgment on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan', 5 March 2020, [ICC-02/17-138](#), para. 40.

<sup>30</sup> *Idem*.

<sup>31</sup> *Idem*.

21(3)).<sup>32</sup> Rather, the Appeals Chamber concluded that there is no basis for the Pre-Trial Chamber to consider whether potential cases may be admissible.<sup>33</sup>

13. In so concluding, the Appeals Chamber took into account that a procedural mechanism embracing full participation of States is provided for Article 18 of the Statute:

‘specific procedural mechanisms based on the full participation of relevant parties, participants and States are provided for elsewhere in the legal framework (...) [i]n particular, under article 18, as soon as the Prosecutor initiates an investigation pursuant to article 15 of the Statute, she must notify all States Parties and States which, based on available information, would normally exercise jurisdiction over the crimes concerned’.<sup>34</sup>

14. The Chamber notes that Article 18 of the Statute is applicable both when the Prosecution initiates an investigation pursuant to Articles 13(c) and 15 and when ‘a situation has been referred to the Court pursuant to article 13(a) and the Prosecutor has determined that there would be reasonable basis to proceed with an investigation’. This norm provides the procedural opportunity to submit the type of challenges that are being introduced by Venezuela. However, for this provision to become available the Prosecutor must have determined that there would be a reasonable basis to proceed with an investigation. This step is to date missing with respect to the Situation. It may or it

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<sup>32</sup> Pre-Trial Chamber I has ruled that the Prosecutor is mandated to respect internationally recognized human rights with regard to the conduct and result of her preliminary examination; see in this respect the ‘Decision on the ‘Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute’, 6 September 2018, [ICC-RoC46\(3\)-01/18-37](#), paras 87-88. It was indicated that Article 21(3) of the Statute applies not only to the result but also to the conduct of Preliminary Examinations and that it implies respect for the rights of victims to know the truth, to have access to justice and to request reparations. In said ruling, it was found at para. 88 that: ‘[t] he process of reparations is intrinsically linked to criminal proceedings, as established in article 75 of the Statute, and any delay in the start of the investigation is a delay for the victims to be in a position to claim reparations for the harm suffered as a result of the commission of the crimes within the jurisdiction of this Court’. However, in the view of the Chamber and for the reasons specified in the main text, this does not justify the relief sought by Venezuela.

<sup>33</sup> ‘Judgment on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan’, 5 March 2020, [ICC-02/17-138](#), para. 40. For another example where the ICC jurisprudence asserted that the judicial review powers cannot expand beyond, or overwrite, the procedural framework of the Court see ‘Decision on the “Request for review of the Prosecutor’s decision of 23 April 2014 not to open a Preliminary Examination concerning alleged crimes committed in the Arab Republic of Egypt, and the Registrar’s Decision of 25 April 2014”’, 12 September 2014, [ICC-RoC46\(3\)-01/14-3](#), paras 7-11.

<sup>34</sup> ‘Judgment on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan’, 5 March 2020, [ICC-02/17-138](#), para. 42



may not be taken in the future. However, at this juncture, Venezuela's Request is premature and must therefore be rejected *in limine*.

15. Furthermore, the Chamber is not persuaded that, in the circumstances, it must assume 'extra-statutory powers' which are 'not conferred upon [it] by the Statute but which, in [its] view, appear necessary to ensure adequate protection to relevant basic rights'.<sup>35</sup> As noted by the Appeals Chamber, 'a lacuna does not exist when, for instance, a matter is exhaustively defined in the legal instruments of the Court'.<sup>36</sup> Such is the case in the situation at hand, where Article 18 provides Venezuela with an opportunity to advance the arguments and provide the information that it considers necessary. It is one of the purposes of this provision to ensure the sovereign right to 'prosecute and punish a crime that take place in their own territory or otherwise fall within their jurisdiction'.<sup>37</sup> Indeed the Court is complementary to national criminal jurisdictions, which means that '[p]rimary responsibility for enforcing criminal liability for violations within the subject-matter jurisdiction of the Court rests on the States Parties'.<sup>38</sup>

16. Should the Prosecution decide that there is a reasonable basis to commence an investigation it shall so notify Venezuela. Pursuant to Article 18(2) of the Statute, and within one month of receipt of that notification, Venezuela may inform the Court that it is investigating or has investigated its nationals or others within its jurisdiction with respect to relevant criminal acts. Subject to considerations of security and confidentiality, those criminal acts will be related as part of the information provided in the notification to Venezuela.<sup>39</sup> This may alleviate Venezuela's concern that it is

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<sup>35</sup> Venezuela's Request, [ICC-02/18-6-Conf-AnxIV](#), paras 141-142.

<sup>36</sup> 'Judgment on the appeals of the Prosecutor, Mr Jean-Pierre Bemba Gombo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled "Decision on Sentence pursuant to Article 76 of the Statute"', 8 March 2018, [ICC-01/05-01/13-2276-Red](#), para. 76.

<sup>37</sup> D. Nsereko, 'Article 18: Preliminary rulings regarding admissibility', in O. Triffterer and K. Ambos (eds), *The Rome Statute of the International Criminal Court* (2016), p. 836.

<sup>38</sup> O. Triffterer/M. Bergsmo/K. Ambos, 'Preamble: Respect for and the enforcement of international justice', in O. Triffterer and K. Ambos (eds), *The Rome Statute of the International Criminal Court* (2016), p. 13.

<sup>39</sup> It is relevant to note that the Appeals Chamber has underlined that: '[f]or the purpose of proceedings relating to the initiation of an investigation into a situation (articles 15 and 53 (1) of the Statute), the contours of the likely cases will often be relatively vague because the investigations of the Prosecutor are at their initial stages. The same is true for preliminary admissibility challenges under article 18 of the Statute. Often, no individual suspects will have been identified at this stage, nor will the exact conduct nor its legal classification be clear. The relative vagueness of the contours of the likely cases in article 18 proceedings is also reflected in Rule 52 (1) of the Rules of Procedure and Evidence, which speaks of

acting in ‘absolute “procedural blindness”’.<sup>40</sup> Moreover, at this stage, the Statute does provide for a Pre-Trial Chamber’s oversight or judicial control over the Prosecution’s assessments in the form of a decision ‘to authorize the investigation’.

17. Venezuela quotes the jurisprudence of the Chamber to the effect that ‘[t]he Pre-Trial Chamber has been created to, *inter alia*, exercise judicial oversight over the Prosecutor’s responsibilities during the early stages of the proceedings’.<sup>41</sup> The Chamber notes that said statement was made in the context of proceedings arising from the application of article 53(3)(a) of the Statute, which explicitly provides the Pre-Trial Chambers with review powers at the request of, *inter alia*, a State that makes a referral to the Prosecutor, when the Prosecutor decides not to proceed with an investigation. The procedural situation is different in the context of Venezuela’s Request in, at least, two relevant aspects: (i) Venezuela has *not* referred the Situation (so called self-referrals); and (ii) the Prosecutor has *not* taken a decision ‘not to proceed with an investigation’. Moreover, the quoted excerpt has been inserted in the sub-section of the ruling titled ‘[t]he nature of the (...) decision’ where the Chamber entertained the question of whether, as per its review, the relevant Pre-Trial Chamber issues a ‘decision’ – with the consequence that it may be *inter alia* subject to appeal.<sup>42</sup> In the opinion of the Chamber, the quoted statement has been taken out of context.

18. Notwithstanding the aforementioned, the Chamber has carefully assessed Venezuela’s submissions with respect to the efforts it has made to cooperate with the Prosecution.<sup>43</sup> Venezuela submits that it has provided numerous reports and pieces of information and it has expressed and renewed its willingness to continue to engage in

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“information about the acts that may constitute crimes referred to in article 5, relevant for the purposes of article 18, paragraph 2” that the Prosecutor’s notification to States should contain”; ‘Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II of 30 May 2011 entitled “Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute”’, 30 August 2011, [ICC-01/09-01/11-307](#), para. 39.

<sup>40</sup> Venezuela’s Request, [ICC-02/18-6-Conf-AnxIV](#), para. 41.

<sup>41</sup> Venezuela’s Response, [ICC-02/18-8-Conf-AnxIII](#), para. 14 referring to the ‘Decision on the “Application for Judicial Review by the Government of the Union of the Comoros”’, [ICC-01/13-68](#), 15 November 2018, para. 93.

<sup>42</sup> ‘Decision on the “Application for Judicial Review by the Government of the Union of the Comoros”’, [ICC-01/13-68](#), 15 November 2018, paras 88-94.

<sup>43</sup> Venezuela’s Request, [ICC-02/18-6-Conf-AnxIV](#), para. 99.

a productive dialogue with the Prosecution.<sup>44</sup> However, Venezuela reports that these efforts have been met with silence.<sup>45</sup>

19. It is undisputed in the present litigation that Venezuela has been forthcoming in providing a fruitful cooperation with the Court, a course that indeed was ‘deeply appreciat[ed]’ by the Prosecution.<sup>46</sup> Venezuela calls upon the Prosecution to provide, in the framework of positive complementarity, roadmaps, directions and a benchmarking framework and to continue accompanying its domestic authorities in both (a) conducting investigations and prosecutions for any international crimes that would have been committed, and (b) implementing more global, ongoing institutional and judicial reforms.<sup>47</sup> The Chamber underlines that such a course is compatible with the complementarity principle and must be pursued where feasible, provided it does not risk validating national proceedings or tainting any possible admissibility proceedings in the future.<sup>48</sup>

20. The Chamber therefore considers it appropriate for the Prosecution to maintain a meaningful dialogue with Venezuela, in line with the complementary principle, during the preliminary examination and beyond as the case may be.

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<sup>44</sup> Venezuela’s Request, [ICC-02/18-6-Conf-AnxIV](#), para. 100; [REDACTED].

<sup>45</sup> Venezuela’s Request, [ICC-02/18-6-Conf-AnxIV](#), para. 101. [REDACTED].

<sup>46</sup> Prosecution’s Request, [ICC-02/18-7-Conf](#), para. 2.

<sup>47</sup> Venezuela’s Request, [ICC-02/18-6-Conf-AnxIV](#), paras 57, 100-102.

<sup>48</sup> ICC-OTP, [Policy Paper on Preliminary Examinations](#), November 2013, para. 102.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

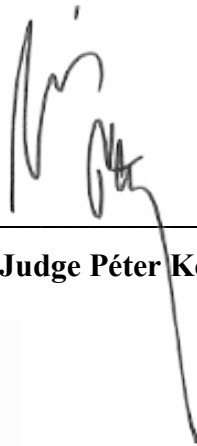
**REJECTS** Venezuela's Request *in limine*;

**DECIDES** the that Prosecution's Request for leave to file a response of maximum 60 pages and Venezuela's request for a Status Conference are moot;

**INVITES** Venezuela to file a public redacted version of its Request, its Response and their annexes, as the case may be, as soon as practicable;

**REMINDS** the Prosecutor of her duty to engage in meaningful dialogue with Venezuela.

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



**Judge Péter Kovács**



**Judge Reine Adélaïde Sophie  
Alapini-Gansou**



**Judge María del Socorro  
Flores Liera**

Dated 2 March 2022

At The Hague, The Netherlands