

Annex II

PUBLIC

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

NO.: ICC-02/18

Date: February 23, 2023

PRE-TRIAL CHAMBER I

**Before: Judge Peter Kovács, President
Judge Reine Alapini-Gansou
Judge María del Socorro Flores Liera**

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA I

PUBLIC

**Request for modification of the deadline for submission of translations of the files
related to the State's observations on OTP request ICC-02/18-18**

Source: **Government of the Bolivarian Republic of Venezuela**

Documents to be notified in accordance with Rule 31 of the Regulations of the Court to the following:

The Office of the Prosecutor

Mr. Karim A. A. Khan QC
Mrs. Nazhat Shameem Khan
Ms. Alice Zago

Defence counsel

Legal representatives of the victims

Applicants' legal representatives

Unrepresented victims

**Unrepresented Applicants
(Participation/Representation)**

**The Office of the Ombudsman for
Victims**

**The Office of the Ombudsman for
The defence**

Representatives of the States

Minister of Foreign Affairs of the
Bolivarian Republic of Venezuela

Amicus curiae

Registration

The Registrar

M. Peter Lewis

Legal Support Section

Victims and Witnesses Unit

Detention Section

**Victim participation and
Repair Section**

Others

I. INTRODUCTION

1. On November 1, 2022, the Office of the Prosecutor requested the Chamber to resume its investigation into the situation in Venezuela¹.
2. On November 18, Pre-Trial Chamber I ("the Chamber") issued its "Order Inviting Victims to Submit Observations and Express Views and Concerns" ("the Order")².
3. Pursuant to Rule 35 of the Regulations of Court (the "Rules"), the State requested the Chamber to extend the deadline for filing the English translation of the proceedings conducted by the Public Prosecutor's Office and the courts in the course of the criminal proceedings in Venezuela. It requests authorization to submit such translation on March 21, 2023 instead of February 28, 2023.
4. The State will then demonstrate the existence of a *good reason* to extend the deadline.
5. The State filed the present pleading as soon as it appeared that it was faced with a situation where it had no choice but to resort to the Chamber on the basis of Rule 35 referred to above. It did so in such a way as to enable the Chamber to act within the time limits for filing³.

II. APPLICATION

6. Rule 35-2 of the Regulations of the court states that "The Chamber may extend or shorten a time limit if good cause has been shown...".

¹ Request by the Office of the Prosecutor to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18, paragraph 2, ICC-02/18-18.

² ICC-02/18-21.

³ See, for example, Decision on the Prosecutor's Request for an Extension of Time, ICC-01/12-01/18-346-tENG, § 17.

7. The State alleges that there is good cause within the meaning of Rule 35 of the Regulations of the court to justify a three-week extension for the submission of the English translation of the proceedings conducted by the Public Prosecutor's Office and the courts in the course of the criminal proceedings in Venezuela, in light of the following.

8. The translation into English of all the proceedings carried out by the Public Prosecutor's Office and the courts in cases related to the State's observations represents, in qualitative and quantitative terms, a considerable amount of work.


9. The number and volume of documents that seemed necessary to make available to the Chamber seemed extremely important in the process of drafting the observations. Considering that the documents annexed to the observations also had to be translated into one of the working languages of the Court, such translations seemed impossible within the deadline set in its order by the Chamber for the submission of the observations (February 28, 2023).

10. The translation exercise is ongoing. It is proving to be laborious. Moreover, once the final versions are available, the State will have to check them against the original documentation, which will take some additional time. In this context, three more weeks should allow this work to be done as well as possible.

11. The State highlights the absence of prejudice to the Office of the Prosecutor arising from the present request. The Office of the Prosecution already has a clear and detailed view of the State's position and will be notified of its observations within the deadline set by the Chamber.

12. Further, the State indicates that the extension is also in the interests of justice. Since the conditions of Rule 35 are met in this case, this criterion is only invoked here as an indication⁴.

13. Based on the foregoing, the State alleges that there is good cause within the meaning of Rule 35 of the Rules of Procedure to postpone the submission of the translation of the proceedings carried out by the Public Prosecutor's Office and the courts in the course of the criminal proceedings in Venezuela.



Yvan Gil Pinto
Minister of Foreign Affairs of the Bolivarian Republic of Venezuela

Date this 23 February 2023

At Caracas, Venezuela

⁴ See Decision on Pre-Trial Measures in Chambers for Witness D-0243, ICC-01/04-02/06-2136, § 7: "The Chamber further notes that if the criteria of Rule 35 are not met, the Chamber may nevertheless grant an extension if it is in the interests of justice."