

**Public document**

**ANNEX**



MISIÓN PERMANENTE  
DE LA REPÚBLICA  
BOLIVARIANA DE VENEZUELA  
ANTE OPAQ-CPI

NV/No. 028/2023

The Permanent Mission of the Bolivarian Republic of Venezuela to the OPCW, the ICC and other International Organizations and Tribunals based in the Kingdom of the Netherlands, presents its compliments to the Pre -Trial Chamber I of the ICC, has the honour to transmit herewith a copy the communications N. ICC-02/18, dated 25 April 2023, from H.E. Yvan Pinto Gil, Minister of Foreign Affairs of The Bolivarian Republic of Venezuela, with the "Request for authorisation to respond to the report submitted by the VPRS in relation to the OTP's request for resumption of the investigation (ICC-02/18-40-Anxl-Red 20-04-2023 1/57 PT)

The Permanent Mision of the Bolivarian Republic Of Venezuela to OPCW, ICC and other International Organizations and Courts based in the Kingdom of the Netherlands, avails itself of this opprtunity to renew the Office of the Register of the International Criminal Court, the assurances of its highest consideration.



The Hague, April 25 th, 2023

To:

Office of the Register of the  
International Criminal Court  
Oude Waalsdorerweg 10, 2597 KA  
The Hague.

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

NO: ICC-02/18

Date: 25 April 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 authorisation to respond to the report submitted by the VPRS in relation to the OTP's request for resumption of the investigation (ICC-02/18-40-AnxI-Red 20-04-2023 1/57 PT)**

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

**Documents to be notified in accordance with regulation 31 of the Rules of Procedure of the Court a:**

**The Prosecutor's Office**  
 Mr Karim A. A. Khan QC  
 Ms. Nazhat Shameem Khan  
 Ms. Alice Zago

**Defence counsel**

**Legal representatives of the victims**

**Legal representatives of applicants**

**Unrepresented victims**

**Unrepresented Candidates  
 (Participation/Representation)**

**The Office of the Ombudsman for  
 Victims**

**The Office of the Ombudsman for  
 Defence**

**Representatives of the States  
 Minister of Foreign Affairs of the  
 Bolivarian Republic of Venezuela**

**Amicus curiae**

**Register**

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**The Registrar**  
 Mr. Osvaldo Zavala Giler

**Legal Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victim participation and  
 Repairs Section**

**Other**

## I. INTRODUCTION

1. On 1 November 2022, the Office of the Prosecutor requested Pre-Trial Chamber I ('PTC') to resume its investigation into the situation in Venezuela I.<sup>1</sup>
2. On 10 November 2022, the Government of the Bolivarian Republic of Venezuela ('GoV'), under Rule 55(1) RPE, requested authorisation to respond to the report submitted by the VPRS within the deadline set by the PTC.
3. On 18 November 2022, the PTC issued its "Order inviting observations and views and concerns of victims".<sup>2</sup> It invited the VPRS to submit its observations and views, and concerns by 21 March 2023. In the same resolution, the PTC also agreed in relation to the GoV's request for authorisation to respond to the VPRS report, literally as follows:
  12. As to Venezuela's request to be allowed to provide a reply to the Prosecution's submissions or the report summarising victims' views and concerns, the Chamber considers that, without having received any such submissions, it is currently unable to assess whether further submissions from Venezuela are necessary.
4. On 28 February 2023, the GoV submitted its "Observations of the Government of the Bolivarian Republic of Venezuela on the request of the Office of the Prosecutor to resume the investigation (ICC-01/18-18)".<sup>3</sup>
5. On 10 March 2023, the PTC granted by email to the VPRS an extension of time until 20 April 2023 to submit its consolidated report.<sup>4</sup>

<sup>1</sup> 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.

<sup>2</sup> ICC-02/18-21.

<sup>3</sup> ICC-02/18-30-Conf-Exp-AnxII.

<sup>4</sup> Email from Pre-Trial Chamber I to the VPRS on 10 March 2023, 15:24h.

6. On 20 April 2023, the VPRS submitted this report, the public version of which has been notified by the Registry to the GoV.<sup>5</sup>
7. Therefore, following paragraph 12 of the “Order inviting observations and views and concerns of victims”<sup>6</sup> issued by the PTC, which stated that “the report summarising victims’ views [...] without having received any such submissions, it is currently unable to assess whether further submissions from Venezuela are necessary”, having already received the report from the VPRS, the GoV requests the Chamber’s authorisation to present submissions to the said report.
8. The GoV submits that leave to reply is justified because the report submitted by the VPRS raises new issues that the GoV could not reasonably have foreseen before becoming aware of it. In addition, the VPRS report presents facts concerning alleged victims that could be subject to domestic criminal investigations or even perpetrators could have received effective sanctions or could be facts that were never reported in the Venezuelan domestic judicial system, making it necessary for the GoV to be able to respond in detail to each of these allegations before the PTC.
9. In the event that the Chamber allows a response from the GoV, it respectfully requests the PTC to grant leave to file such a response, taking into account the length of the above-mentioned VPRS report, by a deadline of at least 30 May 2023

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<sup>5</sup>ICC-02.18-40-AnxI-Red 20-04-2023 3/57 PT

<sup>6</sup>ICC-02/18-21.

## II. PETITION

10. The GoV respectfully requests the Chamber to grant it the right to reply to the report submitted by the VPRS, as indicated in paragraph 12 of the “Order inviting observations and views and concerns of victims”<sup>7</sup> issued by the PTC, where it was informed that this possibility would be considered, which the GoV expressly requests, on the basis of the grounds set out in the body of this brief.

Respectfully submitted,



Gil Pinto

Minister of Foreign Affairs of the Bolivarian Republic of Venezuela

Dated this 25 April 2023.

At Caracas, Venezuela.

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<sup>7</sup> ICC-02/18-21.