

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

*No.: ICC-02/18  
Date: 31 July 2023*

**THE APPEALS CHAMBER**

**Before:** Judge Marc Perrin de Brichambaut, Presiding  
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 redacted**

**Corrigendum of Public Redacted Version of 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"**

**Source: [REDACTED]**

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

**The Office of the Prosecutor**

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

Mr Enrique Carnero Rojo

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

**States' Representatives**

**Amicus Curiae**

## **REGISTRY**

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**Registrar**

M. Zavala Giler, Osvaldo

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr. Philipp Ambach

**Other**

## I. INTRODUCTION

1. In accordance with Article 68(3) of the Rome Statute and Rule 89(1) of the Rules of Procedure and Evidence, the legal representatives of victims [REDACTED] are submitting this application on behalf of [REDACTED] victims-(hereinafter the 'Applicants') to present views and concerns of victims in the appeal proceedings before the Appeals Chamber against the Pre- Trial Chamber I's "Authorisation pursuant to article 18(2) of the Statute to resume the investigation" (hereinafter the 'Appeal').
2. A list with the details of the [REDACTED] is attached in the Annex to this application. In light of the threats to the physical and psychological safety of the Applicants and the submitting entity, this application and its Annex are filed confidentially ex parte only available to the Registry.
3. The Applicants making this submission have nominated the aforementioned private attorneys as their legal representatives for any and all representation in proceedings before the International Criminal Court, including the Appeal. The power of attorney was already transmitted to the Victims Participation and Reparations Section during the consultation procedure in which both victims and their legal representatives were invited to present their views and concerns, which took place between November 18, 2022 and March 21, 2023.<sup>1</sup>
4. The attorneys are acting as a conduit to transmit this application. Any future communication can be addressed to:  
[REDACTED]  
[REDACTED]

## II. PROCEDURAL HISTORY

5. On 27 June 2023, Pre-Trial Chamber I rendered its decision authorising the Prosecutor to resume the investigation into the situation in the Bolivarian

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<sup>1</sup> Pre-Trial Chamber I, "Order inviting observations and views and concerns of victims", 18 November 2022, [ICC-02/18-21](#). The Chamber instructed it to transmit the victims' views and concerns to the Chamber by 21 March 2023 at the latest (see Order, para. 11 and p. 7).

Republic of Venezuela (hereinafter: “Venezuela”), pursuant to article 18(2) of the Statute (hereinafter: “Article 18(2) Decision”).<sup>2</sup>

6. On 3 July 2023, Venezuela submitted its notice of appeal against the Article 18(2) Decision.<sup>3</sup>
7. On 7 July 2023, the Office of Public Counsel for Victims (hereinafter: “OPCV”) filed a request to appear before the Appeals Chamber (hereinafter: “OPCV Request”)<sup>4</sup>
8. On 12 July 2023, the Appeals Chamber granted Venezuela’s application of 10 July 2023,<sup>5</sup> and extended the time limit for the filing of the appeal brief until 14 August 2023.<sup>6</sup>
9. On July 2023 the Appeal Chamber rendered its decision authorizing the Office of Public Counsel for Victims to present their written observations, not exceeding 40 pages, on the Bolivarian Republic of Venezuela’s appeal brief concerning the general interests of victims, within 21 days of notification of the appeal brief.

### III. INFORMATION ON THE APPLICANTS

10. The applicants fall within the temporal, territorial, and material scope of the situation of the Bolivarian Republic of Venezuela I currently before the International Criminal Court because they suffered harm as a result of the extra-judicial killings of their family members by police and non-state actors, committed in Venezuela since 12 February 2014. Many Applicants have experienced torture at the hands of the police, militaries, and agents of the [REDACTED] as well since 12 February 2014. Many applicants have experienced other inhumane acts of a similar character intentionally causing great suffering,

<sup>2</sup> [Decision authorising the resumption of the investigation pursuant to article 18\(2\) of the Statute](#), ICC02/18-45.

<sup>3</sup> 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 was registered on 3 July 2023).

<sup>4</sup> Request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court, ICC-02/18-47.

<sup>5</sup> The Bolivarian Republic of Venezuela’s Application for Extension of Time to File the Appeal Brief, ICC-02/18-49-Conf-Exp-AnxII (dated 7 July 2023, registered on 10 July 2023).

<sup>6</sup> Decision on the Bolivarian Republic of Venezuela’s application for extension of time to file the appeal brief, ICC-02/18-52, p. 3

or serious injury to the body or mental or physical health, with terrible consequences to the present day. The majority of the applicants have suffered persecution for political reasons that are universally recognized as impermissible under international law perpetrated by State security forces, civilian authorities, and [REDACTED] committed since April 2017. Some Applicants have suffered several forms of sexual violence of comparable gravity such as conduct described in article 7(1)(g) of the Rome Statute, committed since 12 February 2014. Many Applicants have suffered imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law.

11. Some of these applicants have been sending various communications under article 15, since 2015, through this legal team.<sup>7</sup>
12. Some Applicants represented in this submission are family members, such as parents, children, uncles/aunts, cousins, and nephews, of survivors in the context of the prosecution perpetrated by members of the State security forces, civilian authorities and [REDACTED]. Others Applicants are family members of individuals killed in the aforementioned context. Several applicants represented in this submission are members of political parties. Two Applicants are Organizations under the category provided in rule 85 (b) of the Rule of Procedure and Evidence, those that have suffered sustained direct harm to their property.
13. The Applicants shared their views and concerns with the Victim Participation and Reparation Section during the consultation held from November 18, 2022, to March 21, 2023, represented by the aforementioned private attorneys.

#### IV. PERSONAL INTEREST OF VICTIMS

14. Article 68(3) of the Rome Statute stipulates that “[w]here the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be

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<sup>7</sup> [REDACTED]

appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.”

15. The Appeal will decide upon the question of whether investigations will take place or be deferred in the situation of the Bolivarian Republic of Venezuela I. This question has an immediate and direct effect on the personal interests of the Applicants as they have not been able to obtain justice and remedies for the crimes committed against their family members and against them as well.
16. Investigations by the Office of the Prosecutor in this matter could shed light on the alleged crimes and could identify potential perpetrators, both of which are elements of the right of victims to an effective remedy.<sup>8</sup> In addition, investigations are the premise for any future prosecution and possible reparation and, as such, the necessary pre-requisite for victims to see justice done and obtain remedies for the harm suffered.
17. The victims represented in this application, have an interest in providing additional information to the Appeals Chamber, to demonstrate that it is imperative that the Office of the Prosecutor should resume the investigation relating to the Situation of the Bolivarian Republic of Venezuela I.
18. Both the victims we represent and ourselves as private attorneys, sharing and supporting the request to participate in this procedural stage, already expressed by the victims' organizations and NGOs through the submission presented by them and The Office of Public Counsel for Victims as well.

#### V. REQUEST

19. The Applicants, therefore, request that they be permitted to present their views and concerns in the Appeal by submitting a response to the appeal brief by the Government of the Bolivarian Republic of Venezuela and the application for suspensive effect within the applicable timelines. The Applicants would be providing additional information. Depending on the content of the appeal brief, they would present additional views and concerns.

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<sup>8</sup> See UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147, 16 December 2005, para. 4.

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[REDACTED]

Dated this 31 July, 2023.

At [REDACTED]