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No.: ICC-02/18

Date: 20 February 2023

PRE-TRIAL CHAMBER I

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

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA I

Public

**With Confidential *EX PARTE* Annex I only available to the Registry and
Confidential Annex II**

**Public Redacted Version of “Second Registry Report on Article 18(2) Victims’
Views and Concerns Pursuant to Pre-Trial Chamber’s Order ICC-02/18-21”,
20 February 2023, ICC-02/18-25-Conf**

Source: Registry

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

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I. Introduction

1. Following Pre-Trial Chamber I's "Order inviting observations and views and concerns of victims", issued on 18 November 2022 ("Chamber" and "Order", respectively),¹ the Registry submits its second report on victims' views and concerns received in the present Article 18(2) proceedings, together with its assessment of the victims' forms ("Annex I") and a detailed explanation of the assessment criteria applied ("Annex II").

II. Procedural History

2. On 20 April 2022, the Prosecutor of the International Criminal Court ("ICC" or "Court") informed the Chamber: *i*) that the Bolivarian Republic of Venezuela ("Venezuela") requested under article 18(2) of the Rome Statute ("Statute"), the deferral of the investigation in the Situation in the Bolivarian Republic of Venezuela I ("Situation") and *ii*) that the Office of the Prosecutor ("OTP") intends to seek authorization to resume the investigation as soon as possible.²
3. On 1 November 2022, the OTP submitted a request for authorization to resume the investigation in the Situation ("OTP Request").³
4. On 3 November 2022, the Office of Public Counsel for Victims ("OPCV") requested leave to submit, together with four Venezuelan lawyers, joint

¹ Pre-Trial Chamber I, "Order inviting observations and views and concerns of victims", 18 November 2022, ICC-02/18-21. The Registry notes that 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 page 7).

² Office of the Prosecutor, "Notification of the Bolivarian Republic of Venezuela's deferral request under article 18(2) of the Rome Statute", dated 20 April 2022 and notified on 21 April 2022, ICC-02/18-17, para. 8.

³ Office of the Prosecutor, "Prosecution request to resume the investigation into the situation in the Bolivarian Republic of Venezuela I pursuant to article 18(2)", dated 1 November 2022 and notified on 4 November 2022, ICC-02/18-18.

submissions presenting the views and concerns of victims on the OTP Request.⁴

5. On 18 November 2022, the Chamber issued the Order by which it, *inter alia*:
 - i) invited victims and their legal representatives to submit their views and concerns on the OTP Request; and ii) instructed the Victims Participation and Reparations Section (“VPRS”) of the Registry to collect victims’ views or concerns on the OTP Request, and to transmit them to the Chamber, together with a report thereon, by 21 March 2023 at the latest.⁵
6. On 19 January 2023, the Registry transmitted to the Chamber the first consultation forms received containing the victims’ views and concerns in the context of the present Article 18(2) proceedings,⁶ together with a report thereon (“First Report”).⁷
7. On 20 February 2023, alongside the present report, the Registry transmitted to the Chamber 80 consultation forms containing victims’ views and concerns in the context of the present Article 18(2) proceedings.⁸

III. Classification

8. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), the present report and its Annex II are classified as “confidential”, since they contain sensitive information [Redacted]. A public redacted version of the present report will be filed shortly. Furthermore, Annex I to the present

⁴ OPCV, “OPCV Request to Submit Observations on the Prosecutor’s Request to Resume the Investigation under Article 18(2) of the Statute,” 3 November 2022, ICC-02/18-19.

⁵ See *supra*, fn 1.

⁶ Registry, “First Registry Transmission of Article 18(2) Victims’ Views and Concerns Forms”, 19 January 2023, ICC-02/18-22.

⁷ Registry, “First Registry Report on Article 18(2) Victims’ Views and Concerns Pursuant to Pre-Trial Chamber’s Order ICC-02/18-21”, 19 January 2023, ICC-02/18-23-Conf. A public redacted version was notified on the same day (ICC-02/18-23-Red).

⁸ Registry, “Second Registry Transmission of Article 18(2) Victims’ Views and Concerns Forms”, 20 February 2023, ICC-02/18-25.

document is classified as “confidential *ex parte*, only available to the Registry”, because it contains [Redacted].

IV. Applicable Law

9. The Registry submits the present document in the context of the present proceedings under Article 18(2) of the Statute and in accordance with article 68(3) of the Statute, rules 16(1) and 85 of the Rules of Procedure and Evidence (“Rules”), regulation 23*bis*(1) of the RoC, regulation 102 of the Regulations of the Registry, and the Order.

V. Submissions

10. The VPRS continued implementing the approach designed for the present Article 18(2) exercise, as detailed in its First Report.⁹
11. Since 19 January 2023, the VPRS organized or attended remotely more than 20 informative sessions [Redacted].
12. Victims and representatives of civil society organizations that had been reached out to since 19 January 2023 strongly welcomed the invitation to exercise their right to express views and concerns on the OTP Request. [Redacted]. All VPRS interlocutors that were met to date confirmed the victims’ strong hope that the ICC investigation in the Situation will be resumed and, as was repeatedly submitted, justice will finally be rendered. As also highlighted in the First Report, [Redacted].
13. The interlocutors met since 19 January 2023 reported the same challenges and obstacles as detailed in the First Report, [Redacted].¹⁰
14. Furthermore, it was reported that on 24 January 2023, a bill titled “Law for the audit, regularization, action and financing of non-governmental and

⁹ See *supra*, footnote 7 and First Report, paras. 15-19.

¹⁰ First Report, paras. 21-23.

related organizations” was put up for discussion and adopted at the first reading in the Venezuelan National Assembly; the law is reported to seek to control, restrict, sanction and dissolve non-governmental organizations (“NGOs”) operating in Venezuela.¹¹ [Redacted].

15. The VPRS will continue organizing informative sessions throughout the entire duration of the Article 18(2) exercise in order to ensure that clear and complete information is circulated and that victims who submit views and concerns do so based on an informed decision and a thorough understanding of this process. This way, victims’ expectations are kept realistic as to what the possible outcomes of the present exercise are.

A. Article 18(2) victims’ forms

16. Between 13 January and 14 February 2023, the VPRS conducted a preliminary assessment of 80 forms¹² in order to assess whether the individual or group submitting views and concerns on the OTP Request falls within the definition of victims under rule 85 of the Rules. Considering the purposes of the Article 18(2) exercise and given the concrete scope of these proceedings, the conditions set out in rule 85 of the Rules were assessed on the basis of the intrinsic coherence of the information given by the victim(s). A detailed explanation of the assessment criteria applied by the Registry is provided in Annex II.

17. The 80 forms were assessed as falling inside the scope of the Situation, they were transmitted to the Chamber and are covered by the present report (“Transmitted Applications”). The forms were submitted on behalf of a total

¹¹ See United Nations Human Rights Office of the High Commissioner, “Venezuela: Draft NGO law, reaching a point of no return in the closure of the civic space”, [Venezuela: Draft NGO law, reaching a point of no return in the closure of the civic space | OHCHR](#); Amnesty International, “Venezuela: NGOs at risk”, [Venezuela: NGOs at Risk | Amnesty International UK](#).

¹² The victims’ views and concerns were submitted either on the standard representation form or in a different written format (i.e. emails). [Redacted].

of 441 individuals and 47 families. 56 of the 80 forms were assessed as collective/group forms (i.e. submitted on behalf of more than one individual). 3 forms were submitted in English, 75 in Spanish,¹³ and 2 in Spanish submitted together with an English translation.

18. All forms support the OTP Request.¹⁴

19. The VPRS will carry on assessing all Article 18(2) forms received and transmit them to the Chamber on 21 March 2023 together with the VPRS final consolidated report.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 20 February 2023

At The Hague, The Netherlands

¹³ The VPRS submitted all the forms received in Spanish, which did not also include an English or French version, to the Language Support Section of the Registry (“LSS”) for official translation into English. Due to the LSS’ limited capacity, not all translations were received in time for the present report. The VPRS has limited Spanish-speaking capacity which was used to conduct the preliminary legal assessment of the Spanish forms received, and, those assessed as falling within the scope of the Situation have been included in the present report and transmitted to the Chamber. The official translations will be transmitted to the Chamber once they become available.

¹⁴ This information is outlined in more detail in Annex I.