



Original: English

No.: ICC-02/18

Date: 20 April 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 Annexes I and III and Confidential *EX PARTE* Annex II
only available to the Registry****Public Redacted Version of “Final Consolidated Registry Report on Article
18(2) Victims’ Views and Concerns Pursuant to Pre-Trial Chamber’s Order
ICC-02/18-21”, 20 April 2023**

Source: Registry

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

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Oswaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

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**Victims Participation and Reparations
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Other

I. Introduction

1. Pursuant to 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 final consolidated report on victims' views and concerns received in the present Article 18(2) proceedings (Annex I), together with its assessment of the victims' forms (Annex II) and a detailed explanation of the assessment criteria applied (Annex III).

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") had 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 into 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 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).

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 (“OPCV Request”).⁴

5. On 18 November 2022, the Chamber issued the Order. It held that the personal interests of victims, within the meaning of article 68(3) of the Statute, might be affected by the outcome of its decision on the OTP Request, and therefore their views and concerns should be collected. The Chamber then recalled that the system as set forth by the Statute and the Rules of Procedure and Evidence (“Rules”) in respect of proceedings pursuant to article 15 of the Statute provides a suitable model for collecting victims views and concerns in the context of article 18(2) proceedings whereby the Victims Participation and Reparations Section (“VPRS”) of the Registry liaises with victims and their legal representatives, if any, to collect any views or concerns, and prepares a short report.⁵ The Chamber therefore rejected the OPCV Request and, *inter alia*: i) invited victims and their legal representatives to submit their views and concerns on the OTP Request; and ii) instructed the VPRS to liaise with victims and any legal representatives, including the OPCV and the four Venezuelan lawyers identified in the OPCV Request, to collect their views or concerns related to the OTP Request, and to transmit them to the Chamber, together with a report thereon, by 21 March 2023 at the latest.⁶
6. On 19 January and 20 February 2023, the Registry transmitted to the Chamber 96 consultation forms containing victims’ views and concerns in

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 Order, para. 10 which noted applicable jurisprudence as set out in footnotes 11 and 12.

⁶ *Id.*, para. 11 and p. 7.

the context of the present Article 18(2) proceedings,⁷ together with reports thereon (“First and Second Transmissions”).⁸

7. On 10 March 2023, upon VPRS’ request, the Chamber granted an extension of time until 20 April 2023 for the VPRS to file its final consolidated report.⁹
8. [Redacted]^{10 11}
9. On 14 April 2023, the VPRS received a submission from the OPCV, summarising the views and concerns of victims who had also been in direct contact with the latter.¹²
10. On 20 April 2023, the Registry is transmitting to the Chamber, alongside the present report, 1,723 standard forms and other written documents containing victims’ views and concerns in the context of the present Article 18(2) proceedings (“Third Transmission”). In addition, the Registry is transmitting to the Chamber, via a HPRM record container, *i*) 5 victims’ views and concerns submitted in video format; *ii*) a number of videos submitted in support of some of the standard forms or other written documents part of the Third Transmission; and *iii*) six videos submitted in support of standard forms or other written documents previously transmitted by the Registry in the First and Second Transmissions.

⁷ Registry, “First Registry Transmission of Article 18(2) Victims’ Views and Concerns Forms”, 19 January 2023, ICC-02/18-22 and “Second Registry Transmission of Article 18(2) Victims’ Views and Concerns Forms”, 20 February 2023, ICC-02/18-26.

⁸ 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); “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-02/18-27-Conf. A public redacted version was notified on the same day (ICC-02/18-27-Red).

⁹ Email from Pre-Trial Chamber I to the VPRS on 10 March 2023, 15:24h.

¹⁰ [Redacted].

¹¹ [Redacted].

¹² Email from OPCV to VPRS on 14 April 2023, 18:29h.

III. Classification

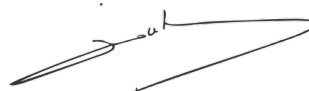
11. Pursuant to regulation 23bis(1) of the Regulations of the Court (“RoC”), the present cover filing is classified as “confidential” because it refers to a number of confidential documents on the record of the case. Annexes I and III are classified as “confidential”, since they contain sensitive information on the Registry’s *modus operandi* and information that could lead to the identification of victims. A public redacted version of the cover filing and Annex I will be filed shortly. Furthermore, Annex II is classified as “confidential *ex parte*, only available to the Registry”, because it contains sensitive and detailed confidential information that may lead to the identification of victims.

IV. Applicable Law

12. The Registry submits this report 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, regulation 23bis(1) of the RoC, regulation 102 of the Regulations of the Registry, and the Order.

V. Submissions

13. The Registry hereby transmits its final consolidated report on victims' views and concerns received in the present Article 18(2) proceedings (Annex I), its assessment of the victims' forms (Annex II) and a detailed explanation of the assessment criteria applied (Annex III) for the Chamber's consideration



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 20 April 2023

At The Hague, The Netherlands