

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-02/18
Date: 23 December 2025**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE BOLIVARIAN REPUBLIC OF VENEZUELA I

PUBLIC

Decision dismissing *in limine* a request from Arcadia Foundation and setting the procedure regarding requests for authorisation to file submissions

Decision 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 | ☐ The Office of Public Counsel for the Defence |
| ☐ States' Representatives | ☐ Amicus Curiae |

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

- | | |
|--|--|
| ☐ Victims and Witnesses Unit | ☐ Counsel Support Section |
| ☐ Victims Participation and Reparations Section | ☐ Detention Section |
| | ☐ Other |

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’), issues this decision dismissing *in limine* a request from the Arcadia Foundation.

I. Procedural History and Submissions

1. On 27 September 2018, a group of States Parties made a referral under article 14 of the Rome Statute (the ‘Statute’) for investigation of alleged crimes against humanity committed in the Bolivarian Republic of Venezuela since 12 February 2014 (the ‘*Situation in Venezuela*’).¹
2. On 4 November 2022, the Prosecution, following a deferral request by Venezuela pursuant to article 18(2) of the Statute,² requested the Chamber to authorise the resumption of his investigation into the *Situation in Venezuela*.²
3. On 27 June 2023, the Pre-Trial Chamber, pursuant to article 18(2) of the Statute, authorised the Prosecution to resume its investigation into the *Situation in Venezuela*.³ The Appeals Chamber confirmed this decision on 1 March 2024.⁴
4. On 27 October 2025, the Registry received an e-mail from the Arcadia Foundation and Mr Robert Carmona Rojas (the ‘Applicant’), with a document attached titled ‘Application for Protective and Evidence-Preservation Measures under Articles 57(3)(c) and 68(1) of the Rome Statute and Rules 87–88 of the Rules of Procedure and Evidence’, accompanied by five annexes.⁵
5. On 29 October 2025, the Chamber instructed the Registry to liaise with the Applicant and requested the re-submission of the document and its annexes in accordance with the requirements set forth in regulation 24 of the Regulations of the Registry and regulation 36 of the Regulations of the Court.⁶

¹ Annex I to the Decision assigning the situation in the Bolivarian Republic of Venezuela to Pre-Trial Chamber I, dated 27 September 2018 and registered on 28 September 2018, ICC-02/18-1-AnxI.

² 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, with confidential *ex parte* annexes A and B, only available to the Prosecutor and Venezuela, and public Annex C.

³ Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute, ICC-02/18-45.

⁴ Judgment on the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I’s “Decision authorising the resumption of the investigation pursuant to article 18(2) of the Statute”, 1 March 2024, ICC-02/18-89.

⁵ Registry transmission of the “Second Supplemental Communication on Legislative Steps Towards Withdrawal from the Rome Statute and the Narrowing Window for Effective Cooperation” and “Third Supplemental Communication on the Death in Custody of Listed Beneficiary Alfredo Javier Díaz Figueroa and Renewed Request for Immediate Court-Side Protective and Evidence-Preservation Measures”, ICC-02/18-148-Conf, with Confidential Annexes 1 and 2 (the ‘Registry transmission’), para. 3.

⁶ Registry transmission, para. 4.

6. On 4 December 2025, the Registry received another e-mail from the Applicant, with a document attached entitled ‘Public Supplemental Application on Urgency in the Situation in the Bolivarian Republic of Venezuela I (ICC-02/18)’.⁷

7. On 6 December 2025, the Registry received two e-mails from the Applicant; the attachment to both emails is entitled ‘Second Supplemental Communication on Legislative Steps Towards Withdrawal from the Rome Statute and the Narrowing Window for Effective Cooperation’ and ‘Third Supplemental Communication on the Death in Custody of Listed Beneficiary Alfredo Javier Díaz Figueroa and Renewed Request for Immediate Court-Side Protective and Evidence-Preservation Measures’.⁸

8. On 12 December 2025, the Registry transmitted to the Chamber a request filed on 6 December 2025 by the Applicant entitled Second and Third Supplement (together the ‘Request’).⁹ In affirming his standing to submit the Request, the Applicant relies on an acknowledgement of receipt of applications for victims’ participation in the proceedings under article 18(2) in the Venezuela I Situation before the Pre-Trial Chamber I sent by the Victims Participation and Reparations Section.

II. Analysis

9. For the reasons that follow, the Chamber considers that the Applicant lack *locus standi* to submit requests and/or observations at this stage of the proceedings.

10. In affirming his standing, the Applicant appears to rely on the consideration afforded to his views on specific matters concerning this situation, namely on the Prosecutor’s request to authorise the resumption of his investigation into the *Situation in Venezuela*.

11. In this regard, the Chamber notes that victims have not yet been formally admitted to participate in the proceedings pursuant to rule 89 of the Rules of Procedure and Evidence (the ‘Rules’) and that the Chamber has not ‘sought their views on any subject’ pursuant to rule 93 of the Rules. The prior participation of the Applicant in this situation was limited to the specific issue on which the Chamber deemed it appropriate to hear from the victims at that stage.

12. Accordingly, neither the Court’s legal framework nor the Applicant’s prior participation in this situation afford them an automatic right to submit unsolicited requests and observations

⁷ Registry transmission, para. 6.

⁸ Registry transmission, para. 9.

⁹ Registry transmission.

at this stage of the proceedings when there are no cases yet, no victims have been formally admitted to participate and the Chamber has not sought their views on any particular matter.

13. In light of the above, the Chamber dismisses *in limine* the Request.

14. Nonetheless, the Chamber encourages the Applicant to engage with the Office of the Prosecutor, noting that any individual or group of individuals can send information to the Office of the Prosecutor regarding any alleged crimes falling under the jurisdiction of the Court, including information related to protection and privacy of victims.

15. Furthermore, in order to facilitate future interactions with external persons or organisations requesting authorisation to file submissions or observations before the Chamber in the present situation, and to ensure their efficient and effective processing, the Chamber considers it appropriate to adopt the procedure and template for such requests implemented in another situations and cases.¹⁰ The Chamber hereby directs the Registry to modify the aforementioned template to reflect the situation name, and Chamber's composition relating to the present situation, and ensure that the template can be obtained from the Court Management Services when a person or an entity intends to make such a filing before this Chamber. The Chamber clarifies that the template only applies to instances where a person or entity is requesting *authorisation* to make submissions.

16. Any requests for authorisation must be limited to three pages (excluding notification pages). The Registry will only transmit requests that abide by the instructions in the template. The Registry's transmission filings, as well as the accompanying request and any other annexes, if applicable, shall initially be classified as confidential, unless cogent reasons require more restrictive classification. The Registry may transmit multiple requests for authorisation to make submissions into the record with a single transmission filing, where appropriate.

17. The Registry is hereby instructed to: (i) inform any person or entity requesting authorisation to make submissions before the Chamber to do so using the template; (ii) indicate to such a person or entity that for the aforementioned request for authorisation to be transmitted to the Chamber it must not exceed three pages (excluding notification pages); and (iii) register by way of confidential (unless a more restrictive classification is necessary) transmission filing

¹⁰ See Pre-Trial Chamber I, Situation in the State of Palestine, Order on reclassification and other procedural matters, 11 April 2025, ICC-01/18-418, paras 14-16; Pre-Trial Chamber I, Prosecutor v. Rodrigo Roa Duterte, Decision on a request for leave to submit amicus curiae observations and setting the procedure regarding requests for authorisation to file submissions, 17 April 2025, ICC-01/21-01/25-115, paras 5-7.

into the record only those requests that abide by the page limit and the instructions listed in the template.

FOR THESE REASONS, THE CHAMBER HEREBY

DISMISSES *IN LIMINE* the Request;

ORDERS the Registry to implement the instructions contained in this decision.

Done in English. A French translation will follow. The English version remains authoritative.



**Judge Iulia Antoanella Motoc,
Presiding**



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Tuesday, 23rd December 2025

At The Hague, The Netherlands