Cour
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Court

Original: **English**

No.**: ICC-01/20**
Date: **10 November 2026**

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 II

Public

Prosecution request to close the record of the situation

Source: **Office of the Prosecutor**

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

REGISTRY

Registrar Mr Osvaldo Zavala Giler	☐ **Counsel Support Section**
☐ **Victims and Witnesses Unit**	☐ **Detention Section**
☐ **Victims Participation and Reparations Section**	☐ **Other**

Introduction

1. Pursuant to the recently adopted regulation 66*ter*(2),[1] and recalling its 12 March 2026 decision not to open an investigation in the *Situation in the Bolivarian Republic of Venezuela II*,[2] the Prosecution hereby provides Pre-Trial Chamber I ("the Chamber") with the information "in writing" required by regulation 66*ter*(2)(a) and respectfully requests closure of the record of the situation.

Submissions

2. On 22 June 2026, the Judges adopted regulation 66*ter*, creating a mechanism for the closure of situation records.[3] Pursuant to regulation 66*ter*(2):

> (a) When the Prosecutor, having provided information in accordance with regulation 45, sub-regulation 1, decides not to initiate an investigation, […] , he or she shall inform in writing the Pre-Trial Chamber to which the situation has been assigned.
>
> (b) Having been so informed, the Pre-Trial Chamber may, upon application *or proprio motu*, order the Registrar, when appropriate, to close the record of the situation. […]
>
> (c) The closure of the record of a situation shall be without prejudice to a future reopening should the Prosecutor decide to initiate or resume the investigation in accordance with the Statute, the Rules and these Regulations.

3. The requirements of regulation 66*ter*(2) for the closure of the situation record are met. Notably, the Prosecution recalls that:

- On 17 February 2020, in accordance with regulation 45, the Prosecutor notified the Presidency of her receipt of a referral from the Bolivarian Republic of Venezuela ("Venezuela") pursuant to article 14 of the Statute.[4]
- On 12 March 2026, the Deputy Prosecutor and Officer-in-Charge announced her determination that the legal requirements for opening an investigation in the situation

[1] Regulations of the Court ("RoC"), regulation 66*ter* (adopted on 22 June 2026, entered into force on 25 June 2026). Any reference to a regulation in this request is to a regulation of the RoC, unless otherwise specified.
[2] ICC Office of the Prosecutor, *ICC Office of the Prosecutor concludes preliminary examinations into Venezuela II and Lithuania/Belarus*, 12 March 2022; ICC-01/20-10 ("Prosecution Notification").
[3] ICC, "ICC Judges amend the Regulations of the Court to regulate the closure of case and situation records", 25 June 2026.
[4] ICC-01/20-1-AnxI ("Regulation 45 Notification").

were not met. In particular, she concluded that there was no reasonable basis to believe that the imposition of sanctions by the United States of America since at least 2014 amounted to the alleged crimes against humanity on the territory of Venezuela.[5] The Office's findings were explained in a public summary.[6]

- On the same day, as a courtesy, the Prosecution also notified the Chamber of these events "so it can take the appropriate procedural measures at such time as the 90-day period provided under rule 107(1) has elapsed".[7] No request for review of the decision was made by Venezuela pursuant to article 53(3), and such a request would now be time-barred.

4. Consequently, the Prosecution now provides the information in writing required by regulation 66*ter*(2)(a). Given all the circumstances, and also having regard to the consideration in regulation 66*ter*(2)(c), the Prosecution submits that it is appropriate for the Chamber to close the record of the situation.

Conclusion

5. Having decided not to initiate an investigation in the *Situation in the Bolivarian Republic of Venezuela II*, and having now expressly provided the information in writing required by regulation 66*ter*(2)(a), the Prosecution respectfully requests the Chamber to close the record of the situation pursuant to regulation 66*ter*(2)(b).



Mame Mandiaye Niang, Acting Prosecutor

Dated this 10th day of November 2026
At The Hague, the Netherlands

[5] ICC Office of the Prosecutor, *ICC Office of the Prosecutor concludes preliminary examinations into Venezuela II and Lithuania/Belarus*, 12 March 2026.
[6] ICC Office of the Prosecutor, *Situation in the Bolivarian Republic of Venezuela II*, Summary of Findings, 12 March 2026.
[7] Prosecution Notification, para. 3.